BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 3 NOVEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Alford, Allen, Cobb, Davey, Kennedy, Simson, Smart and Steedman

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

Officers in attendance: Paul Vidler (Deputy Development Control Manager), Nicola Hurley (Area Planning Manager (West)), Hamish Walke (Senior Team Planner (East)), Guy Everest (Planning Officer), Pete Tolson (Senior Transport Planner), Edward Bulger (Environmental Health Officer), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

PART ONE

135. PROCEDURAL BUSINESS

135a Declaration of Substitute Members

135.1 Councillor Allen declared that he was substituting for Councillor Hamilton.

135b Declaration of Interests

135.2 There were none.

135c Exclusion of the Press and Public

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

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

136. MINUTES OF THE PREVIOUS MEETING

136.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 13 October 2010 as a correct record.

137. CHAIRMAN'S COMMUNICATIONS

137.1 There were none.

138. PETITIONS

138.1 There were none.

139. PUBLIC QUESTIONS

139.1 There were none.

140. DEPUTATIONS

140.1 There were none.

141. WRITTEN QUESTIONS FROM COUNCILLORS

141.1 There were none.

142. LETTERS FROM COUNCILLORS

142.1 There were none.

143. NOTICES OF MOTION REFERRED FROM COUNCIL

143.1 There were none.

144. APPEAL DECISIONS

144.1 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.

145. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

146. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

147. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

147.1 The Committee noted the information on Pre Application Presentations and Requests.

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

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

Application:	Requested by:
BH2010/02489, 162 Carden Hill, Brighton	Councillor Theobald
BH2010/02745, 28 Marine Drive, Rottingdean	Councillor Cobb

149. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST

(i) TREES

149.1 There were none.

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

A. Application BH2010/01966, Mitre House, 149 Western Road, Brighton – Change of use of north block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works.

(1) The Senior Planner, Mr Everest, introduced the application and presented plans and elevational drawings. The application would involve a change of use from commercial units and office space to a hotel, and there would be a net loss of office space. The unit had been vacant for 9 years and the applicant had provided information to show that they had actively marketed the property but had not found a tenant. It was therefore accepted that the office space in this area was redundant.

The scheme was car-free and there was no scope to provide parking on site. As the building was in a controlled parking zone area it was expected that guests would arrive via public transport, and as such a contribution to sustainable transport was requested. The scheme was unlikely to increase commercial traffic in the area, which was limited on this road to the hours of 9am and 6pm.

The elevations and mansard roof were considered appropriate in terms of scale and appearance for this site. The proposed glazed staircase would be visible on Hampton Place.

It was not considered that there would be any significant noise disturbance for residents as the main entrance to the site would be on West Street. There was a secondary access from Hampton Street but the applicant had indicated that they would agree to a condition to restrict the use of this access.

As the roof was set back it would not lead to a significant loss of light or affect neighbouring amenity. Finally the application would reach sustainable homes BREEAM rating very good.

(2) Mr Killick, a local resident representing residents on Hampton Place, Hampton Street, Spring Street and the Montpelier Residents Association. He felt the application was contrary to policy SR14 as it fell outside the core strategy hotel zone and was therefore inappropriate for the area. There would be significant noise and disturbance for local residents as the proposed budget hotel would likely cater for stag and hen parties and there would be extra traffic late in the evening from taxis dropping off hotel customers. Mr Killick also felt that there would be significant overlooking created by the new application as the change of use from offices, which were typically used in the day time only, to a hotel that would be used extensively at night, would mean that hotel guests would be able to overlook Spring Street residences at night. Mr Killick stated that there had been no consultation with residents regarding this application and asked the Committee to refuse it. Should they decide to grant the application, Mr Killick asked that they restrict the use of the rear entrance and include obscured glazing for those rooms overlooking residential properties.

(3) Councillor Fryer spoke on behalf of local Ward Councillor, Councillor Kitcat, and objected to the application. She highlighted the objection letter from Councillor Kitcat and stated that although there was some dispute over whether hotels were over or under subscribed in the city, it was clear that this hotel would take business away from other local hotels and would have a negative impact on the area. The scheme would provide less employment opportunities than office space would and the hotel would require frequent deliveries, which was not appropriate for such narrow streets. The residents strongly objected to the application and there were already problems of noise and disturbance in the area that this application would add to.

(4) Mr Barker spoke on behalf of the applicants and stated that the building had been redundant for almost a decade. Extensive marketing for office and alternative uses had taken place but they were unable to gain a tenant for the building in its current state. Other uses were explored and a hotel was the most viable option for this site. He stated that the application was in the core strategy hotel zone as identified in the Local Plan, but was in a poor state of repair. The application would increase the visual amenity of the area and as the mansard roof was significantly set back, there would be no intrusion on the street scene and no impact on loss of light for neighbours. The area was well serviced by public transport and there were pay-for car parks in the area. There was no parking provided on site and this would be made clear to hotel guests when booking. The hotel would fulfill a defined need for budget hotels within the city, provide employment and improve the tourist economy in the area. The applicants would accept restricted use for the access on Spring Street and felt the scheme would improve the positive vitality of the area.

(5) Councillor Alford asked where the hotel would advertise for customers and Mr Barker replied that they would advertise on the standard industry websites and through the tourist information office.

(6) Councillor Alford stated that there could be up to 260 people using the hotel and asked if it was likely that all of these people would arrive using public transport. Mr Barker accepted that some would bring cars but they would be made fully aware that there was no parking on site. He added that there were car parks in the city that could be used.

(7) Councillor Davey asked why the space was not viable for office use. Mr Barker replied that the quality of the building was not of the right standard. The applicant had looked into redeveloping the building for office use, to include redesign of the internal space and internet links, but this was not economically viable. He added that there were also access restrictions on site.

(8) Councillor Davey asked if there would be any additional entertainment on site and Mr Barker replied that there would only be a hotel bar and restaurant for breakfasts.

(9) Councillor Cobb asked if any discussions with the car parks in the area had taken place to introduce a voucher scheme for hotel guests. Mr Deacon replied that this could form part of the green travel plan but was not an option that had been looked into yet.

Questions/Matters on Which Clarification was Sought

(10) Councillor Cobb asked about the energy use of the glazed stairwell and asked how sustainable this was. She asked if the lights would be left on for 24 hours a day and was concerned about light pollution. Mr Everest replied that this would be a secondary stairwell and there was no reason to believe it would be detrimental to the sustainability of the scheme. He did not know if the lights would be kept on or not.

(11) Councillor Smart asked if the rear access could be restricted to emergency uses only. Mr Everest replied that the applicant would agree to a condition regarding restricted use of this access.

(12) Councillor Allen raised a discrepancy in the report which suggested that there was not a need for 3* hotel accommodation in the city, and then later stated that there was. Mr Everest replied that there had been a shift in emphasis since the application had been submitted and it was now felt that a budget hotel could be accommodated.

(13) Councillor Theobald raised concerns about the proposed materials used for the windows and felt it would not be appropriate to use thick grained frames. Mr Everest stated that condition 2 requested further details on the materials used, to be approved by the Local Planning Authority.

(14) Councillor Theobald asked where the refuse could be stored on site and Mr Everest replied that the basement could be used for this purpose. Condition 6 of the report requested further details on the siting of the refuse.

(15) Councillor Theobald asked how many staff would be employed on site and Mr Everest replied there would be up to 43 jobs provided.

(16) Councillor Theobald asked why there was no transport contribution. Mr Everest replied that the transport analysis suggested that there would be no increased need for travel as a result of this scheme and so a transport contribution would not be appropriate.

(17) Councillor Smart asked if the new development would match the existing frontage to Western Road and Mr Everest confirmed this.

Debate and Decision Making Process

(18) Councillor Cobb was concerned over possible unauthorised use of the rear access, even if it was restricted to emergency use only, and felt that a CCTV system needed to be installed.

(19) Councillor Theobald felt this was a good use of a redundant and unsightly building and would improve the area. She was disappointed that no parking had been provided with the scheme however.

(20) Councillor Alford agreed that this was a good use for a derelict building, but felt it was very important that the applicants ensure that they communicate to potential hotel guests that there was no parking available.

(21) Councillor Carden felt this was a good use for the site and the hotel might attract customers using the conference facilities in Brighton & Hove. He added that 5* hotels were not always preferable and it was good to have the option of a 3* hotel. He agreed that the rear access should not be used and was concerned about the possibility of overlooking of neighbours. He felt that a condition should be added to obscurely glaze those windows that might overlook residential properties.

(22) Councillor Simson noted that there was a similar budget hotel in North Street that operated without parking provision and she did not believe there were any problems created because of this. She understood the site was not right for office use and supported the application.

(23) The Chairman asked the Committee if they wished to add a condition to the application regarding CCTV for the rear access. Mr Vidler addressed the Committee and stated that good reasons would be needed to add this condition to the application.

(24) Councillor Cobb felt that as the area was not well lit there was the potential for people to use the access without the knowledge of the hotel staff. Mr Vidler stated that it would be normal for an emergency exit to be alarmed, which would notify the hotel staff of any unauthorised use. It was agreed to add a condition that the rear access door be alarmed and used for emergencies only.

(25) Councillor Kennedy asked if the Committee could add a condition to obscurely glaze the windows on the north elevation. Mr Vidler replied that as the building already had office use and could legitimately be used as such without obscurely glazed windows it would be unreasonable to request this for this application.

(26) A vote was taken and on a vote of 10 for, 0 against and 1 abstention planning permission was granted subject to the conditions and informatives in the report, and an additional condition regarding the rear access.

149.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to grant planning permission subject to the conditions and informatives set out in the report and an additional condition to read:

(1) The rear ground floor access doors to Hampton Street shall only be used in an emergency and for no other purpose and have a security alarm fitted prior to the commencement of the use hereby approved which shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

B. Application BH2010/02015, William Moon Lodge, The Linkway, Brighton – Application to extend time limit for implementation of previous approval BH2007/02692 for the demolition of existing building and redevelopment of the site to provide new two storey nursing home with 100 bedrooms, together with ancillary day care centre. Provision of 16 car parking spaces to include 5 disabled spaces and one ambulance bay.

(1) The Senior Team Planner (East), Mr Walke, introduced the application and demonstrated plans and elevational drawings. He noted that planning permission had been granted in 2007 for a 100 bed nursing home and day care centre with parking provision and an ambulance bay. The new application sought an extension of time for implementation of this scheme. Some minor changes were necessary, including condition 16 which would require the applicant to provide a post construction certificate for proof that the scheme achieved BREEAM very good rating. The Environment Agency had not commented on the previous approval, but had now asked for conditions 17 to 19 to be added to ensure there was no adverse impact on the Lewes Road abstraction point, and a deed of variation was needed for the Section 106 Agreement. Finally, some of the conditions needed to be reworded as they had already been fulfilled by the applicant.

Questions/Matters on Which Clarification was Sought

(2) Councillor Smart asked how long the extension was for and Mr Walke replied that it would be for the standard 3 years.

(3) Councillor Steedman asked if this application had been submitted recently, would the Council ask for higher sustainability standards. Mr Walke replied that this was likely.

(4) Councillor Steedman asked if Council Officers had considered asking the applicant if they were able to raise the sustainability of the scheme without making major alterations to the application. Mr Walke replied they had not.

Debate and Decision Making Process

(5) Councillor Steedman felt that the Committee should ask the applicant to consider how they could increase their BREEAM rating to a higher standard. Mr Vidler felt it would be unreasonable to request a higher sustainability for the building as some of the conditions had already been discharged and the development had significantly progressed towards construction.

(6) Councillor Smart was concerned for the mature trees on site and asked what measures were in place should they be removed by the building process. Mr Walke replied that conditions 6 and 7 sought the replanting of any mature trees that were felled or died within the first 5 years of the development and condition 7 required tree protection measures.

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

149.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is minded to grant planning permission subject to a Section 106 Agreement and the conditions and informatives listed in the report.

(iii) MINOR APPLICATIONS

C. Application BH2010/01610, 25 Hazeldene Meads, Brighton – Roof extension to south end over existing garage, 2 front dormers, extended front porch and installation of 7 solar panels.

(1) The Area Planning Manager (West), Mrs Hurley, introduced the application and noted that the application had been deferred at a previous meeting for clarification of a recent appeal decision relating to the site.

The appeal had been dismissed by the Planning Inspector on the basis that there were three proposed dormers. In fact the plans were for two dormers, and Members questioned whether this would have affected the Planning Inspector's decision. The response from the Inspectorate was that the correct plan had not been considered at the time of the decision, but the decision could not be changed. Officers felt that the reduction in dormers from three to two would however address the reason for refusal and so the application should be granted.

Questions/Matters on Which Clarification was Sought

(2) Councillor Smart asked whether the Council had any policy or planning guidance on the installation of front dormers and Mrs Hurley responded that this application was in accordance with Supplementary Planning Guidance (SPG) issued on dormer windows.

(3) Councillor Smart asked why there were no other front dormer windows in the surrounding area and Mrs Hurley replied that front dormers now needed planning permission and the SPG on front dormers stated that they should be clear insertions on the roof slope and aligned with any windows below. This application complied with the guidance.

(4) Councillor Simson asked what the Inspectors view was on the bulk and concentration of the solar panels and Mrs Hurley replied that it was the view that 9 solar panels would appear cluttered and would increase the visibility of them in the surrounding area.

(5) The Chairman noted that there were two other applications still under consideration with this site and asked why they had not been dealt together. Mrs Hurley replied that these applications were still going through consultation with neighbours and consideration by officers, and so could not be dealt with at this stage.

(6) Councillor Alford referred to policy QD2 from the Local Plan that stated that the design of existing buildings in the area should be taken into consideration when determining an application. He noted that no one else had dormers in this area and asked why this had not formed part of the consideration of the application. Mrs Hurley replied that as the dormers were in accordance with the SPG there was no planning reason to refuse them.

(7) Councillor Allen asked if officers had a view on how many solar panels would be appropriate for this scheme. Mrs Hurley replied that this was for the Committee to determine. The applicant could apply for more panels should this scheme be approved, but each application would be taken on its merits and determined individually. She added that one of the applications under consideration at the moment was for a certificate to say that additional solar panels would be allowed under Permitted Development rights, but this was still to be determined.

(8) Councillor Simson asked if there was a policy in the Local Plan regarding the height of solar panels and Mrs Hurley replied that there was not. She clarified that as the panels were above the roof ridge they needed planning permission.

Debate and Decision Making Process

(9) Councillor Simson realised the benefits of solar panels but remained concerned about the number and bulk of panels on this roof and how far they extended beyond the roof height. She also felt that the Council did not normally approve of front dormers as they changed the character of the area. She felt the application was excessive.

(10) Councillor Steedman stated that this application was an example of how the city would need to tackle climate change in the future and would need to be done a lot more often. He felt that as the application was in line with policy he was happy to support it.

(11) Councillor Alford was unsure about the sustainability aspects of front dormer windows. Mrs Hurley clarified that the sustainability aspects were in the solar panels. The front dormers were for additional accommodation.

(12) Councillor Davey was pleased to see an application for a zero-carbon house and felt there was only a very small protrusion. He believed the application represented a positive attempt at sustainable living.

(13) Councillor Smart did not feel the application complied with policy QD2 of the Local Plan and Mr Vidler stated that QD2 was designed to emphasis and enhance the positive qualities of the local neighbourhood by taking into account the local characteristics. Councillor Smart noted that there were no front dormers in the local area and asked how this application could comply with policy QD2. Mr Vidler added that positive qualities of an application were taken into consideration as enhancing a local neighbourhood, but they did not necessarily need to be present in the neighbourhood already.

(14) Councillor Simson felt that the whole building was out of balance and out of character, and felt that the roof should have been taken back to a complete hipped roof.

(15) A vote was taken and on a vote of 5 for and 6 against planning permission was not granted.

(16) Councillor Simson proposed an alternative recommendation for refusal of the application and Councillor Smart seconded this. A short recess was taken to articulate the reasons for refusal and a second recorded vote was taken on those reasons.

(17) A second recorded vote was taken and on a vote of 6 for and 5 against planning permission was refused for the reasons given below.

149.4 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in paragraph 8 of this report and resolves to refuse planning permission for the following reasons:

1. The two dormers, by reason of their size, bulk and positioning on the roof slope, would introduce features which would be alien and incongruous in the context of the immediately surrounding street scene. Furthermore the shape and form of the roof extension would imbalance and fundamentally change the appearance of the dwelling, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

2. The solar panels, by reason of their proliferation and level of projection above the ridgeline, would appear cluttered and incongruous features of the property, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

Note: Councillors Hyde, Alford, Cobb, Simson, Smart and Theobald voted for the proposal to refuse. Councillors Carden, Davey, Allen, Kennedy and Steedman voted against the proposal to refuse.

D. **Application BH2010/02009, 13-14 George Street, Hove** – Installation of 4 no. air conditioning units (part retrospective), general and toilet extract and fresh air intake unit.

(1) Mrs Hurley introduced the application and noted that it had been deferred from a previous meeting for more information to be gathered on the installation costs of the attenuators. She stated that the cost of the attenuators would be around £2,500 to install and would achieve the Environmental Health recommendations. As this was the case, Officers did not feel it would be appropriate to grant a temporary permission.

Questions/Matters on Which Clarification was Sought

(2) Councillor Carden asked whether the Committee could conducted a site visit on this application to determine the impact the installation was having on the neighbour. The Chairman noted that as the attenuators were not currently installed the Committee would not get a true understanding of the noise levels. If they conducted a site visit after the attenuators were installed they would not be able to assess the difference in the noise levels.

(3) The Environmental Health Officer, Mr Bulger, addressed the Committee and stated that it was often difficult to judge the effect attenuators would have on a scheme, but they were very effective in reducing noise to below background noise levels. There was little that the Environmental Health Team could do about reducing the background noise levels except to reduce any new installations to below the background level. If installations were reduced to background level noise, this would in fact create a background level increase of 3 decibels, which was referred to as background creep. It was therefore common to require an attenuator to reduce the noise level by at least 5 decibels below background level. In high installation intensity areas this was often increased to 10 decibels, but 5 decibels was realistic for this area.

(4) Councillor Alford asked if the Committee could conduct a site visit after the attenuators had been installed. Mr Vidler replied that as the attenuators were expected to resolve the issue, there shouldn't be a reason to attend a site visit here. The Chairman added that if the situation remained unacceptable to the resident who had complained, it was likely they would make another complaint to the Environmental Health Team, who could take action under the Environmental Protection Act 1990 if the attenuators were not performing to the specified levels. Councillor Simson also felt it would be difficult to for the Committee to assess the situation as it occurred whilst the resident was trying to sleep.

(6) Councillor Steedman asked how closely the performance of attenuators in practice matched what was specified. Mr Bulger replied that attenuators often worked well, but it was difficult to judge the performance of individual machines. He had raised concern with the applicant that the attenuators may produce a tonal noise that was distinguishable from other noises, even if it was below background levels, and had been given assurance that this would not be the case.

(7) Councillor Steedman asked if it was possible to condition that the attenuators did not produce this noise and Mr Vidler replied that this would not be normal. Councillor Steedman did not feel this was a normal circumstance, but Mr Bulger replied that these noise problems were fairly typical circumstances.

(8) Councillor Theobald asked if attenuators should be included automatically on installations such as this and Mr Bulger replied that some applicants did do this as they were aware of the Council's policies regarding noise disturbance to residents.

(9) Councillor Davey asked why the location of the installation had been chosen. Mrs Hurley replied that the location of the installation had not been discussed as part of the application but that the Committee needed to assess the application before them.

(10) Councillor Davey asked if the installation was located further away from the resident's property would it make a difference to the noise levels. Mr Bulger replied that he did not believe there was enough roof space to move the installation far enough away to make a significant difference.

(11) Councillor Smart noted that the background noise was quite low in this area during the day, and asked if this had been taken into consideration. Mr Bulger replied that the noise levels would have been taken at the lowest ebb of noise during the day time.

Debate and Decision Making Process

(12) Councillor Kennedy noted that the last time the application had come before Committee, the Committee had also requested that the costs of installing the attenuators elsewhere were produced. This had not been forthcoming however and she was disappointed this was the case. Councillor Kennedy felt uneasy at granting full planning permission for this installation as if the attenuators did not work there would be an ongoing problem for the resident. She felt that a temporary permission would be a better option. Councillor Kennedy asked if an informative could be added to keep a check on the amenity of the nearby resident, and to ensure that this was not negatively affected by the application. The Chairman stated that the application as it stood was the one the Committee needed to consider.

(13) A vote was taken and on a vote of 9 for, 0 against and 2 abstentions planning permission was granted subject to the conditions and informatives listed in the report.

149.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves to grant planning permission subject to the conditions and informatives listed in the report.

E. **Application BH2010/02093, 63 Marine Drive, Rottingdean** – Conversion of existing rear ground and first floor maisonette to create 3no two bedroom maisonettes and 1no two bedroom flat, incorporating erection of rear extension and additional storey with pitched roof with front, rear and side dormers and rooflights to side.

(1) There was no presentation given on this application.

Debate and Decision Making Process

(2) Councillor Theobald felt that the application was good and would make the street scene better. She felt it was unfortunate that there was no car parking provision however.

(3) Councillor Cobb agreed that the appearance and design were good. She felt there was a lack of amenity space and a lack of car parking however and so could not support the application.

(4) The Chairman of the Conservation Advisory Group, Mr Andrews, felt that there would be a mis-match between the brickwork of the adjoining buildings and a join line would be obvious. He added that the could be overcome with render. Mr Walke replied that the proposed materials were brick and would be chosen to match the existing materials as best they could.

(5) Councillor Cobb referred to the reference to bus stop flags in the report and asked for clarification of this. Mr Tolson replied that he would circulate this clarification to Members after the Committee.

(6) A vote was taken and on a vote of 10 for and 1 refusal planning permission was granted subject to the conditions and informatives in the report.

149.6 **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.

F. Application BH2010/01825, 4 Cobton Drive, Hove – Erection of single storey rear and side extension, and formation of raised decking with screening.

(1) Mrs Hurley introduced the application and presented plans and elevational drawings. She noted an error on the report and stated the scheme could not be developed under Permitted Development Rights. There had been a reduction of 3 metres in depth and the decking had been set back 1 metre from the boundary. The materials to be used would not detract from the street scene and would not have a detrimental impact on amenity. There would be some loss of outlook, sense of space and privacy to no. 2 Cobton Drive but this was not felt to be substantial enough for a refusal.

Questions/Matters on Which Clarification was Sought

(2) Councillor Smart asked how high the decking would be from the garden level. Mrs Hurley replied that it would be around 1 metre.

(3) Councillor Smart asked if no. 6 Cobton Drive had an extension and Mrs Hurley replied that they did.

(4) Councillor Cobb asked what the distance between the two extensions would be once built. Mrs Hurley replied that it would be around 0.1 metres.

(5) Councillor Cobb asked how the walls to the extensions could be repaired or rendered if the gap was only 0.1 metres wide. Mrs Hurley replied that this would be a private matter between the neighbours and was not a planning consideration.

Debate and Decision Making Process

(6) Councillor Alford felt very concerned that the Committee would be approving planning permission for a building that could not be maintained. Mrs Hurley reiterated that this would be a private matter between neighbours. Mr Vidler added that access for maintenance and construction were not planning considerations and the application could not be turned down on these grounds.

(7) Mr Andrews felt that the junction between the two buildings was very narrow and believed that the Local Planning Authority could have encouraged a more sensible approach to this scheme, even though this was strictly a private matter. He felt that what would be created here was a terraced situation.

(8) Councillor Theobald asked if a site visit could be conducted to assess the distances between the two proposed extensions. A vote was taken an on a vote of 4 for, 5 against and 2 abstentions a site visit was not agreed.

(9) A vote was taken and on a vote of 5 for, 4 against and 2 abstentions planning permission was granted subject to the conditions and informatives listed in the report.

149.7 **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 to grant planning permission subject to the conditions and informatives listed in the report.

G. Application BH2010/02489, 162 Carden Hill, Brighton – Replacement of existing rear dormer window with new wider dormer window.

(1) This application was deferred for a site visit to be held in 3 weeks time.

H. Application BH2010/02677, 24 St James's Street, Brighton – Erection of additional 3 storeys to create 3no one bedroom flats and 3no two bedroom flats. Alterations to ground floor façades including installation of new shop front (part retrospective).

(1) Mr Walke introduced the application and presented plans and elevational drawings. He noted that construction work had begun earlier this year but the works were not in accordance with the previously agreed plans. This application sought to amend the 2005 approval. There had been no objection from the Conservation Advisory Group and the Conservation and Design Team felt that the amendments were an improvement to the existing approval. Each unit would have a private balcony and would comply with Lifetime Homes Standards. There would be some impact on the existing flats to the rear, but the loss of light would not be excessive given the nature of the area and the previous permission. He also noted there would be some overlooking from the balconies, but this would not be a significant impact as the balconies would be recessed into the building line. The code level for Sustainable

Homes would be secured by condition and the Section 106 varied. The development would be car-free.

(2) Mrs Hewitt spoke on behalf of Dorset Gardens Methodist Church. She stated that the Church had not been notified of the previous application or this one and so had not had a chance to comment on the proposals. The Church had been redeveloped in 2002 as a landmark building. A mix of modern local and sustainable materials were used and the building had won awards. It was well used by community groups throughout the week and could be identified from the seafront. The application in question would represent an over-development of the area and would obscure views of the Church. There was currently a good building-scape in the area but the application would be too high and would impact negatively on the Church. She felt that a 2 storey development would be more suitable.

(3) Mr Godfrey spoke on behalf of the applicants and showed a photograph of the area before World War 2, which showed much higher buildings in the area, with the Church still visible. He added that the Church was oriented onto Dorset Gardens and not St James' Street and this would not be affected. The current application would improve the building and the character of the local area.

Questions/Matters on Which Clarification was Sought

(4) Councillor Simson asked about the relationship between this application and the recently approved application opposite this site. Mr Walke replied that there would be bedrooms looking out onto the other scheme on each floor. The recently approved application opposite did not have balconies.

Debate and Decision Making Process

(5) Councillor Smart felt that this scheme was to rectify plans that had not been given planning permission in the first place. He was concerned that the Church had not be consulted regarding this or previous applications. Mr Vidler stated that the Planning Authority were required to notify properties adjoining the application site, and the Church did not in fact adjoin the site, but a site notice had been displayed nearby.

(6) A vote was taken and on a vote of 10 for and 1 against minded to grant planning permission was granted subject to the variation of the existing Section 106 Agreement and the conditions and informatives listed in the report.

149.8 **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 planning permission subject to a variation to the existing Section 106 Obligation securing payments for off-site works and car-free development, and the conditions and informatives listed in the report.

I. Application BH2010/02745, 28 Marine Drive, Rottingdean – Erection of a block of 9no flats comprising 5no two bed flats and 4no three bed flats with associated works including car parking area.

(1) This application was deferred for a site visit.

J. Application BH2009/00161, 28-30 Newlands Road, Rottingdean – Erection of a three storey detached building to provide 12 bedroom nursing home to form part of existing home at 30-32 Newlands Road.

(1) There was no presentation given with this application.

Debate and Decision Making Process

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

149.9 **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 the applicant entering into a Section 106 Obligation and to the conditions and informatives listed in the report.

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

150.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place 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 Strategic Director of Place. 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.]

151. 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

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

Application:	Requested by:
BH2010/02489, 162 Carden Hill, Brighton	Councillor Theobald
BH2010/02745, 28 Marine Drive, Rottingdean	Councillor Cobb
BH2009/03105, Medina House, Kings Esplanade, Hove	Deputy Development Control Manager

The meeting concluded at 4.45pm

Signed Chair

Dated this day of