

### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 15 DECEMBER 2010

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Allen, Carden (Opposition Spokesperson), Alford, Barnett, Cobb, Fryer, Davey, Kemble, Kennedy and McCaffery

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

**Officers in attendance:** Jeanette Walsh (Development Control Manager), Nicola Hurley (Area Planning Manager (West)), Guy Everest (Planning Officer), Maria Seale (Planning Officer), Pete Tolson (Principle Transport Planner), Di Morgan (Arboriculturist), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

#### PART ONE

#### **169. PROCEDURAL BUSINESS**

##### **169a Declaration of Substitutes**

169.1 Councillor Barnett declared that she was substituting for Councillor Simson.

169.2 Councillor Fryer declared that she was substituting for Councillor Steedman.

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

##### **169b Declarations of Interests**

169.4 There were none.

##### **169c Exclusion of the Press and Public**

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

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

**170. MINUTES OF THE PREVIOUS MEETING**

170.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 24 November 2010 as a correct record.

**171. CHAIRMAN'S COMMUNICATIONS**

171.1 The Chairman reported with great sadness the death of Councillor David Smart who had been a fantastic and conscientious Member of the Planning Committee. Councillor Smart had been known for his detailed work on the Committee and was a great contributor to the planning process. He took the business of planning very seriously and his contributions would be very much missed. In addition to his excellent work on the Planning Committee, Councillor Smart was also an amazing Ward Councillor and a well known figure in the community. He worked very hard to promote the use of allotments and was well known for his work in this regard. The Chairman asked for a minutes silence to be held as a mark of respect.

**172. PETITIONS**

172.1 There were none.

**173. PUBLIC QUESTIONS**

173.1 There were none.

**174. DEPUTATIONS**

174.1 There were none.

**175. WRITTEN QUESTIONS FROM COUNCILLORS**

175.1 There were none.

**176. LETTERS FROM COUNCILLORS**

176.1 There were none.

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

177.1 There were none.

**178. APPEAL DECISIONS**

178.1 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.

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

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

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

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

**181. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

181.1 The Committee noted the information on pre-application presentations and requests.

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

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

Application:	Requested by:
BH2010/01967, Land Adjacent to 481 Mile Oak Road	Councillor Carden
Land at Redhill Close	Head of Development Control

**183. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**

**(i) TREES**

183.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of the report and resolves to refuse consent to fell 1x Aesculus Hippocastanum (Horse Chestnut), 1x Betula Pendula (Silver Birch), 1x Fagus Sylvatica (Beech).

**(ii) SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENTS OR DEPARTURES FROM POLICY**

**(A) Application BH2010/03259, Woollards Field, Lewes Road, Falmer** – Construction of a 1-3 storey archive centre comprising lecture and educational facilities, reading room, conservation laboratories, archivist study areas, offices, cleaning and repair facilities and archives, repository block and refreshment area. Associated energy centre, car, coach and cycle parking, waste and recycling storage, landscaping including public open space and access.

(1) The Planning Officer, Ms Seale introduced the application and presented plans and elevational drawings. She noted that the site had been last used as a playing field in 1990. Some trees on site were covered by a Tree Preservation Order. The site was allocated for high tech office use under policy EM2 of the Local Plan and had a

previous permission for offices. The main access was from the new highway works being undertaken and there would be parking space for up to 59 cars. There would be enhanced planting along the footpath and cycleways linking to Moulsecoomb. There was a demonstrable need for this facility as the current facilities for storing archives were untenable. There would be a green roof and the building would be set down in level, although still have a presence in the area. The materials were primarily white render and brick. A public art element was included on the blank wall of the stairwell and an information frieze included for events taking place in the building. The building was highly sustainable and would achieve BREEAM excellent rating. The masterplan for the site included additional offices. Whilst the building was in a sensitive area adjacent to the South Downs and Stanmer Conservation Area there would be minimal impact as it sat low in the site. No letters of objection and one letter of support had been received and statutory consultee comments were very positive. Whilst the application would be a departure from policy it would provide very positive benefits for Brighton & Hove and East Sussex.

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

- (2) Councillor Alford noted that the site was secluded and asked what type of security the building would have. Ms Seale replied that Sussex Police had worked very closely with the applicant at the pre-application stage, and had not raised any security concerns for the building. CCTV and suitable lighting would be included as part of the application, as well as a physical barrier over the car park at night to prevent joy riding.
- (3) Councillor Carden asked if a security guard would be employed at night. Ms Walsh addressed the Committee and stated that security arrangements were not a planning consideration. She added that the archive would be licensed separate for use by other authority who would take into consideration the proper management of the archives.
- (4) Councillor Mrs Theobald asked about the fire safety measures on site, what would happen to the open space on site and why the Elm trees had not been considered for preserving. Ms Seale replied that the building would meet the fire safety standards set down by the National Archive standards. The existing play space on site would be included as part of the open space.

The Council's Arboriculturist, Ms Morgan replied that many of the trees on site were over-mature Beech trees that had been vandalised and set fire to, which were not considered worth saving. There were some Elm saplings on site, but the applicant would be replanting Elms as part of the landscaping requirements.

- (5) Councillor Fryer noted that the management of the open space would transfer into Council ownership after 5 years and asked for more details on this. She noted that 20% of the works undertaken on site would be undertaken by the local construction workforce and asked for more details on the public art element. Ms Seale replied that the developer would carry the cost of maintaining the open space whilst the vegetation was established and then City Parks would take over the maintenance of the grounds. That a percentage of the local workforce should be used on a development site in the city had only been required in one previous instance, and the

percentage for this application had been increased to 20%. There was no policy relating to this, but the Economic Development Team felt it was a realistic target. The public art element was not agreed as yet, but it was likely that a display would be projected onto a blank outside wall of the building.

- (6) Councillor McCaffery asked about the wildlife pool on site and Ms Seale replied that this was to help increase biodiversity, but another feature could be installed if it was deemed more appropriate.
- (7) Councillor Davey asked about the cycling access across the A270 and Ms Seale replied that a cycle way linked the site to the train station at Falmer, and through to Moulsecomb. The Senior Transport Planner, Mr Tolson added that improved facilities for crossing the road at the flyer-over were being built.
- (8) Councillor Mrs Theobald asked why white render had been chosen and Ms Seale replied that the Design and Conservation Manager had been consulted and the materials were conditioned to ensure there was less impact. The render would be on the lower parts of the building.

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

- (9) Councillor Kennedy was pleased to see a samples board was available. She supported the application and recognised that the existing facility was no longer fit for purpose and a new home for the archives needed to be found urgently. Councillor Kennedy was pleased to see the comprehensive biodiversity work on site and felt the sustainability measures were praiseworthy. However, the design of the building was disappointing and she noted the concerns of the South Downs Society that the design could have been more appropriate. There may have been potential to use vernacular building materials such as flint work and she felt that this was a missed opportunity to produce something exciting.
- (10) Councillor Kemble supported the application and noted that very valuable contents would be stored inside. With this in mind he urged the applicants to consider using an automatic fire suppression system as recommended by the Fire Authority in their consultation response.
- (11) Councillor McCaffery agreed that the design was uninspiring and felt that the opportunity to produce something first class had not been taken.
- (12) Councillor Mrs Theobald agreed that the design could have been better. However it was a very good facility that would benefit the whole area.
- (13) 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.

183.2 **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 applicant entering into a Section 106 Obligation and the conditions and informatives listed in the report, save that the S106 head of term for the highway works is no longer required.

(B) **Application BH2010/01684, Aldi Store, 2 Carlton Terrace, Portslade** – Application for variation and removal of condition 5 to allow an extended delivery period at the store, vary wording of condition 4 to allow the premises to trade to the public between 08:00 and 20.00 hours and for ancillary activities to take place outside of these hours when the store is closed to the public, vary condition 16 to reduce free car parking to all visitors of the Portslade Shopping Centre from 3 hours to 1 hour, removal of condition 15 in order not to provide 5 resident parking spaces.

(1) The Senior Planning Officer, Mr Earp introduced the application and presented plans and elevational drawings. He referred to a correction on the Late List relating to condition 5. There were 12 residential flats above the store and the application was to vary conditions.

The store wanted to extend its operational hours to allow for setting up and closing and to regularise with delivery times. There would be some impact on residential amenity and public representations had been received referring to noise and disturbance. A noise report submitted by the applicants concluded that any noise increase would be typical of the area. A noise report from the Guinness Trust on behalf of the residents contradicted this. The Environmental Health Team had been investigating noise issues on site and a suggested condition of trading hours between 08:00 and 20:00 had been proposed.

The store wanted to amend condition 5 to allow two deliveries to take place on Sundays as it was currently difficult to stock fresh food over bank holiday weekends. This was considered reasonable as the store was already open on Sundays. The store sought to remove condition 15 relating to provision of parking bays for residents. However, many of the residents were key workers and worked shift patterns so they required the use of a car. There was no evidence to suggest there was a lack of parking for the store in the car park and to it was recommended that this condition remain on the decision.

Finally, the store wanted to amend the condition relating to provision of 3 hours free parking for visitors to 1 hour free parking for visitors. This was in line with current practice at the store, however no evidence had been submitted to suggest this was needed, and so again it was recommended to retain the condition.

(2) Mr Wojtulewski spoke on behalf of the residents of Wannock House and stated that they were mostly key workers providing a valuable contribution to the city. They lived in close proximity to the store and if Sunday deliveries were granted they would be subject to noise and disturbance every day. The delivery area was directly under the flats and would have a big impact on night shift workers who were trying to sleep during the day. There was no other ventilation in the flats aside from opening the windows and deliveries would exceed background noise. He felt the business case

for these changes was unconvincing as the store was already operating successfully and if there were stock issues these could be resolved by better management of the produce available. He did not feel there was any evidence to support ancillary activities at the store and the changes would make the noise disturbance worse, eroding the quality of life for the applicants.

- (3) Councillor Fallon-Khan spoke on behalf of Councillor Harmer-Strange, local Ward Councillor, and stated that he strongly objected to this application. The applicants had not adhered to the condition relating to residents parking since the store had been built, and he felt the Council should be enforcing this condition rather than granting its removal. He did not feel condition 16 relating to 3 hours free parking should be changed as this would fail to support and encourage trade in the area. Amendment of condition 5 would impact on the amenity of the residents and there was a great deal of evidence regarding noise disturbance at the store already. Again, enforcement action needed to be taken to ensure the store was complying with their current conditions, which Councillor Harmer-Strange had witnessed they were not doing. The store was operating well without additional deliveries and altering this condition was unnecessary. Finally, condition 4 needed to remain unaltered to protect residential amenity, as activities in the store such as stacking shelves could be very noisy and make life for the residents untenable if these times were extended.
- (4) Ms Blackburn spoke on behalf of the applicants and stated that a detailed noise assessment had been undertaken to show that noise levels would remain at background levels. The store was an important anchor for trade in the area, and added to the vitality and viability of the centre. Additional Sunday deliveries would enable the store to stock fresh produce and the change of hours would allow activities that were vital to the operation of the store, such as cleaning, to take place. These activities would not involve machinery and background noise levels would remain the same. The longer hours were only to be able to perform these activities without customers in the store, and not to extend the trading hours of the store.

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

- (5) Councillor Cobb asked what the current arrangements for parking at the store were and Mr Earp replied that the store should be providing 3 hours free parking, but were currently operating a system of 1 hour free parking, with payment for an additional 2 hours.
- (6) Councillor Mrs Theobald asked why the residents parking bays were not marked out. Mr Earp replied that this had never been done by the store but residents were allowed to park anywhere in the car park previously. As the store was now charging for parking however, they were not able to do this. The car park was not full most of the time and so there would be no harm to the store to provide these parking bays.
- (7) Councillor Kennedy asked if the applicant had taken any measures to engage with the residents about issues at the store. Ms Blackburn replied that the original architect had been liaising with the Guinness Trust, but not on parking issues at the store.

- (8) Councillor Kemble asked why the store didn't use delivery vehicles that could turn off their refrigerators whilst deliveries were taking place to reduce noise levels. Ms Blackburn replied that the refrigerators needed to remain on whilst deliveries took place to ensure the food was kept cool. This was for health and safety reasons.
- (9) Councillor Cobb asked why the store had not adhered to its current conditions. Ms Blackburn replied that the store was in discussions with the Council's Enforcement Team. They recognised the breeches and wanted to regularise the situation through this planning application. There had been no breeches of deliveries out of hours according to tacograph equipment on the delivery vehicles.
- (10) Councillor Alford asked why the hours of operation needed to be extended to clean the store and Ms Blackburn replied that the condition restricted any occupation of the store before 08:00 hours. The store could not be cleaned whilst it was open to customers and one hour between first occupation and opening time was not enough to complete all of the tasks. She added there would be no noisy activity taking place during this time.
- (11) Councillor Mrs Theobald asked how long the store had been charge to park for 3 hours and why they felt that 1 hour free parking was sufficient time. Ms Blackburn replied that she did not know how long the store had been charging for parking but it was felt that 3 hours was too long and did not provide a quick enough turn around of customers. The store was in discussion with officers about providing further evidence for this. One hour free parking was felt sufficient because the store was in close proximity to other stores that customers might need to use.

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

- (12) Councillor Carden stated that he regularly used this store and did not feel that unlimited parking should be allowed here as it had been difficult to find parking in the past when the car park was unrestricted. However, 3 hours free parking seemed a reasonable time. He did feel that the parking issues for residents needed to be resolved, but felt that as the store was already in operation when the residents moved in, they knew of its existence when deciding to live there. He added that he was undecided at this time, and would wait for the conclusion of the debate before deciding how to vote.
- (13) Councillor Davey felt that the problems between the store and the residents were being replicated at several sites across the city and the Council needed to find the right balance between commercial health and viability, and residential amenity when homes and business were so close together. Councillor Davey felt that extending the hours for setting up and closing the store seemed reasonable and necessary, but additional hours for deliveries on Sundays would be intolerable for residents who should be allowed some respite from the noise and disturbance.
- (14) Councillor Alford felt that the store needed to review its operating procedures and adhere to the conditions that were agreed at the time the application was granted.



- (15) Councillor Mrs Theobald was also not happy about allowing deliveries on Sundays and Bank Holidays, and believed that the residents parking issue needed to be resolved.
- (16) Councillor Barnett was happy with the extension of hours for set up and closing, but did not agree with additional deliveries and agreed that the residential parking needed to be resolved.
- (17) The Chairman took a vote on the recommendation for each condition as set out below.
- (18) A vote was taken on the officer's recommendation for condition 4 and on a vote of 11 for, 0 against and 1 abstention planning permission to vary condition 4 was granted.
- A separate vote was taken on the allied condition that the compactor machine only be operated during trading hours and on a unanimous vote this was agreed.
- (19) A vote was taken on the officer's recommendation for condition 5 and on a unanimous vote planning permission to vary condition 5 was refused.
- (20) A vote was taken on the officer's recommendation for condition 15 and on a unanimous vote planning permission to remove condition 15 was refused.
- (21) A vote was taken on the officer's recommendation for condition 16 and on a vote of 9 for, 0 against and 3 abstentions planning permission to vary condition 16 was refused.
- (22) The Head of Development Control, Ms Walsh addressed the Committee and stated that as a result of the decision, officers would need to vary condition 24 relating to car park barriers to ensure it was accurate.
- (23) Councillor Alford asked for special attention to be paid to any enforcement action that needed to take place on the site regarding the fulfilment of conditions.

**183.3 RESOLVED –**

1. 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 to vary condition 4 subject to the conditions and informatives listed in the report.

2. That an extra condition be placed on the planning permission to read:

The compactor machine shall only be operated during the actual store trading hours to the public and at no other times.

**REASON:** To protect the residential amenities of the occupiers of the flats above the store and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission to vary condition 5 for the reasons that the extension of deliveries to include Sundays/Bank Holidays by reason of increased noise and disturbance would have a detrimental impact on neighbouring amenity and would therefore be contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.
4. That the Committee has taken into consideration and agrees with the reasons to refuse planning permission to remove and vary conditions 15 and 16 respectively for the reasons given in the report.

**(iii) MINOR APPLICATIONS**

**(C) Application BH2010/03061, 25 Hazeldene Meads, Brighton – Proposed roof extension incorporating additional roof light to front (part retrospective).**

- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevational drawings. She stated that there was a current certificate of lawfulness under consideration for solar panels at the site. A previous application for an extension of the gable had been refused as it was felt this would create an unsatisfactory terracing effect, but this reason was not upheld by the Inspector on appeal. This new application for extension was therefore deemed acceptable and the application was recommended for approval.

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

- (2) Councillor Cobb noted that on the site visit to the site there was an additional window in the gable at the front of the building and asked if they needed planning permission. Ms Hurley replied that those works had been conducted under permitted development rights.
- (3) Councillor Kemble asked when the Certificate of Lawfulness would be determined and Ms Walsh replied in the next few days.

**Debate and Decision Making Process**

- (4) Councillor Cobb replied that she was not in favour of retrospective applications, but acknowledged that this would not form part of her considerations for this application. The Solicitor to the Committee, Mrs Woodward stated that retrospective planning applications were currently lawful and retrospective applications should be considered in the same way as prospective applications.
- (5) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

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

- (D) **Application BH2009/03105, Medina House, Kings Esplanade** – new build 9 storey development including 9 residential units, ground and first floor restaurant and basement parking.
- (1) The presentation for this application was taken together with application BH2009/03120, Medina House, Kings Esplanade.
- (2) The Planning Officer, Mr Everest introduced the application and presented plans and elevational drawings. He stated that the building was locally listed and contained features of historical interest. Its last use was B1 light industrial and there had been no evidence submitted to demonstrate that this should be changed, or that the building was beyond economic repair. The application would provide parking for 9 vehicles and include a two storey restaurant. There were no objections on transport grounds. Medina House was a tall building and so there was some justification for a tall building to replace it, but it was felt that a 9 storey building would have an overbearing effect on the surrounding area, and detrimentally affect views into the conservation area. The development would be highly visible from adjoining properties and would impact on loss of light, which would fall below recommended levels. It was recommended that both planning permission and Conservation Area Consent be refused.
- (3) Ms Bacheli spoke on behalf of local residents and stated that they would be severely affected by the application. The justification for the development was insufficient and would create an overbearing presence on the area. The loss of daylight and sunlight would detrimentally affect the neighbours, and although this was acknowledged, it was not listed as a reason for refusal. There would be severe overlooking created by the proposed balconies and this should also be included as a reason for refusal. The proposed tall building would neither enhance nor preserve the local conservation area and the small houses nearby should be protected. Medina House was perfectly suited to its surroundings and the applicant had failed to consider any other option in terms of refurbishment. This was a much loved building that was structurally sound and had important historical elements for the area.

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

- (4) Councillor Davey asked how the car park was accessed. Mr Everest replied that a section of the pavement would be lost to gain access to the car park. He added that permission from the Highways Authority would be needed to do this.

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

- (5) Councillor Barnett felt the development would overshadow and dominate the area, and agreed with the recommendation for refusal.
- (6) Councillor Kennedy agreed and felt that more consultation with the officers about what was appropriate for this site was needed. She also had significant reservations over the design aspects, and noted that this, as well as the loss of sunlight and daylight, could have been added as extra reasons for refusal.

- (7) Councillor Mrs Theobald felt that the building needed to be renovated and the historical features retained. Any proposals should not be higher than the existing building and she felt that the design of this scheme was bulky and top heavy, making the building seem out-of-place and creating significant overshadowing.
- (8) Councillor Carden felt that the building needed to be redeveloped. He did not think the design proposals were out-of-place, but he did believe that the original building needed to be retained.
- (9) Councillor McCaffery believed that Medina House was a very attractive building and these proposals did nothing to enhance the seafront setting.
- (10) A vote was taken and on a unanimous vote full planning permission was refused for the reasons given in the report.

184.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in this report and resolves to refuse planning permission for the reasons set out in the report.

**(E) Application BH2009/03120, Medina House, Kings Esplanade** – Demolition of existing building.

- (1) The presentation and discussion of this application was taken together with application BH2009/01305, Medina House, Kings Esplanade.

**Debate and Decision Making Process**

- (2) A vote was taken and on a unanimous vote planning permission was refused for the reasons given in the report.

184.5 **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 refuse conservation area consent for the reasons set out in the report.

**(F) Application BH2010/02315, Intergen House, 65-67 Western Road, Hove** – Removal of 5no existing antennas and replacement with 5no antennas and installation of an additional equipment cabinet at ground level.

- (1) There was no presentation give with this application

**Debate and Decision Making Process**

- (2) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

184.6 **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.

Note 1: Councillors Fryer and Alford were not present during the debate and voting on this item.

**(G) Application BH2010/01418, 7 Orchard Road, Hove** – Erection of a two storey side extension incorporating existing garage and roof alterations and enlargement of existing first floor side extensions.

(1) Ms Hurley introduced the application and presented plans and elevational drawings. A scheme was refused in 2009 for a two storey side extension and was dismissed on appeal. The Inspector believed that the scheme would affect the amenity of residents on Orchard Avenue and would not leave a sufficient gap between buildings. The new application was unduly bulky and would affect the character of the existing property. The extension would erode the visual spaciousness of the site and would not be sufficiently deferential to the existing building because of its excessive size.

(2) Mrs Camps-Linney, the applicant, spoke in favour of the application and stated that she had bought the house with her husband 23 years ago and it continued to be a family home. Her family circumstances had changed and her mother-in-law had multiple sclerosis, and they wished to provide respite care for her in their home. This meant that the house needed to be adapted and enlarged to accommodate space for a wheelchair and stair lift. They had worked closely with the Planning Department to address any remaining issues with the proposals, to produce a design that was subservient, carefully thought out and an attractive addition to their home.

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

(3) Councillor Kennedy asked for more details about where development sat in the street scene, and Ms Hurley displayed details on the elevational drawings.

(4) The Chairman asked if the proposals remained an overbearing outlook on the nearest neighbours and Ms Hurley explained that the application had been brought back from the boundary line and so it was felt that this reason for refusal had been addressed.

(5) Councillor Mrs Theobald asked if the ground floor would be made disabled accessible and Mrs Camps-Linney replied that they had already created wider doorways to allow for wheelchair access.

(6) Councillor Davey asked how much extra space had been created and Mrs Camps-Linney replied that they needed an extra bedroom and a wider hallway to include stairlift access.

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

(7) Councillor Kennedy felt that this was a massive improvement on the previous scheme and it had addressed the previous reasons for refusal.

- (8) Councillor Davey felt that it was a massive improvement. There was no consistent street scene in this area and the proposals seemed appropriate.
- (9) A vote was taken and on a vote of 3 for, 7 against and 1 abstention the recommendation to refuse planning permission was lost.
- (10) Councillor Kennedy proposed an alternative recommendation for approval and Councillor Davey seconded this.
- (11) A second recorded vote was taken and on a vote of 7 for, 3 against and 1 abstention planning permission was granted subject to conditions.

184.7 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in the report and resolves to grant planning permission for the reasons that the proposed extension sits comfortably with the street scene and would not be unduly prominent. The proposal is acceptable in terms of policies QD1, QD2, QD14 and QD27. The following conditions are attached to the permission:

1. BH01.01 Full Planning Permission.
2. BH03.03 Materials to match non-Conservation Area.
3. The development hereby permitted shall be carried out in accordance with the approved drawings no. 01, 04, 05, 07 submitted on 17 November 2010.

REASON: For the avoidance of doubt and in the interests of proper planning.

Note 1: Councillors Hyde, Carden, Davey, Allen, Kennedy, McCaffery and Kemble voted for the proposal to grant. Councillors Cobb, Barnett and Theobald voted against the proposal to grant. Councillor Alford abstained from voting.

Note 2: Councillor Fryer was not present during the debate and voting on this item.

**(H) Application BH2010/01967, Land adjacent to 481 Mile Oak Road, Portslade –** Erection of 2no three bedroom semi-detached dwelling houses with off-street parking.

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

**(I) Application BH2010/03359, 31 Maldon Road, Brighton –** Creation of additional floor at second floor level to create one 2no bedroom flat incorporating part mansard roof and Juliet balconies to front.

(1) Ms Hurley introduced the application and presented plans and elevational drawings. An application for flats was refused in 2008 and 2009. Letters of support and objection had been received regarding neighbouring amenity and the affect on the street scene. The additional storey had been deemed overly dominant on previous refusals, but this had not been upheld at appeal as a reason for refusal and so was not a consideration for this application. There was some concern over loss of light, and so the bulk of the scheme reduced along the boundary line with number 35. A

report had been submitted to suggest that there would be no additional effect on the existing overshadowing.

**Debate and Decision Making Process**

(2) Councillor Cobb referred to a previous approval and noted that a condition required that the height of the building be retained to keep in character. Ms Walsh replied that this was decided too long ago to take into account.

(3) A vote was taken and on a vote of 7 for, 2 against and 1 abstention planning permission was granted subject to the condition and informatives in the report.

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

Note 1: Councillors Fryer and Alford were not present during the debate and voting on this item.

(J) **Application BH2010/01805, Donald Hall Road and Chadborn Close, Brighton** – Installation of over-cladding with external insulation on 12 residential blocks of flats (Bluebell, Daisy, Stonecrop, Clematis, Magnolia, Sunflower, Sundew, Saffron, Hyssop, Pennyroyal, Chervil and Thyme).

(1) There was no presentation given with this application

**Debate and Decision Making Process**

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

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

Note 1: Councillors Fryer and Alford were not present during the debate and voting on this item.

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

184.1 **RESOLVED** – That those details of applications determined by the Head of Planning and Public Protection 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 Head of Planning and Public Protection. 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 to 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.]

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

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

Application:	Requested by:
BH2010/01967, Land Adjacent to 481 Mile Oak Road	Councillor Carden
Land at Redhill Close	Head of Development Control

The meeting concluded at 5.00pm

Signed

Chair

Dated this

day of