

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 23 FEBRUARY 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Alford, Cobb, Davey, Hamilton, Kennedy, McCaffery, Older and Steedman

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

Officers in attendance: Jeanette Walsh (Head of Development Control), Roger Dowty (Design & Conservation Team Manager), Claire Burnett (Area Planning Manager (East)), Pete Tolson (Principal Transport Planner), Guy Everest (Senior Planning Officer), Maria Seale (Major Projects Officer), Jo Thompson (Major Projects Officer), Francesca Iliffe (Sustainability Officer), Alison Gatherer (Lawyer) and Jane Clarke (Senior Democratic Services Officer)

PART ONE

221. PROCEDURAL BUSINESS

221a Declarations of Substitutes

221.1 Councillor Older declared she was substituting for Councillor Kemble.

221.2 Councillor Barnett declared she was substituting for Councillor Simson.

221b Declarations of Interests

221.3 Councillor Hyde declared a personal and prejudicial interest in application BH2010/03947, 5 Chailey Avenue, Rottingdean arising from being the applicant. She left the meeting during consideration of this item and did not take part in the debate and voting thereon.

221c Exclusion of the Press and Public

221.4 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.

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

222. MINUTES OF THE PREVIOUS MEETING

222.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 23 February 2011 as a correct record.

223. CHAIRMAN'S COMMUNICATIONS

223.1 There were none.

224. PETITIONS

224.1 There were none.

225. PUBLIC QUESTIONS

225.1 There were none.

226. DEPUTATIONS

226.1 There were none.

227. WRITTEN QUESTIONS FROM COUNCILLORS

227.1 There were none.

228. LETTERS FROM COUNCILLORS

228.1 There were none.

229. NOTICES OF MOTION REFERRED FROM COUNCIL

229.1 There were none.

230. APPEAL DECISIONS

230.1 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.

231. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

232. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

233. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

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| Application: | Requested by: |
| BH2010/03911, 52 Downland Road, Woodingdean | Councillor Hyde |

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

(i) TREES

235.1 There were none.

(ii) SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES FROM POLICY

A. Application BH2010/03744, The Open Market, Marshall Row and St Francis Street, Brighton - Redevelopment of Open Market and Francis Street car park comprising: a new partly covered market with 44 permanent market stalls, 12 B1/A1 (light industrial/retail) workshops, 8 loading bays, central square/market space, public toilets, offices and meeting room, ancillary market accommodation and plant, new entrance canopies and gates to Marshalls Row and Ditchling Road entrances and 87 residential units in 3no 1-6 storey blocks, refuse and recycling stores, cycle parking, 5 car ports together with landscaping including alterations to carriageway and footway in Francis Street. Proposals to include a temporary market on Francis Street car park during construction.

(1) This application was the subject of a site visit.

(2) The Major Projects Officer, Ms Seale, introduced the application and presented plans, elevational drawings and photos. She referred to additional representations included in the Late List including an additional letter of objection, a petition of 435 signatures, 6 letters of support, four additional supporting representations and two objection representations. Additional conditions and informatives were recommended following this information.

Ms Seale stated that the application was for a mixed use scheme to include commercial and residential elements. The area was already high in density, with some tall buildings further afield. A new covered market with 44 permanent stalls and up to 64 temporary stalls was proposed. Occasional special events were anticipated with a maximum of 12 per year being held in the market square. Eight loading bays were provided with the scheme and a condition was included to ensure the stalls would not be used before 07:00. Existing public toilets on site would be replaced and enhanced. The residential element would be car free and enhancements to St Francis Street would be included.

The scheme was designed across 1-6 storey high buildings with the 6 storey high building set back from the London Road frontage. The materials were predominantly brick, with timber for the loading bays. Concerns had been raised around the canopy design and this would now be agreed by condition. The development would be phased and a temporary market would be set up during this time.

The principle for development had been identified on site in the master plan and there were clear economic benefits for developing the site. The housing element was enabling and there would be 40% affordable housing provided with the scheme. Financial information had been provided to show that 40% affordable housing would be viable. As there were limited finances with the scheme not all S106 commitments could be met. The design was acceptable and the impact on the wider landscape acceptable for the conservation area. Whilst some development would be very close to existing development, and the relationship was not ideal, it was not inappropriate either, and would have a limited impact on such a dense area. There were restrictions proposed to limit the operation of the market to ensure amenity for future residents was not unduly disturbed, and this included a management plan. There would be no significant increase in car trips to the market generated by the proposals. The scheme would achieve BREEAM excellent rating, and the residential element would achieve code 3 or 4 for sustainable homes.

- (3) Mr Stringer, co-owner of the Druids Head public house, attended and spoke against the application. He had lived and worked in the area for 10 years and operated the pub as a successful local business. He felt the development would create a loss of light and amenity for users of the pub, and there would be insufficient noise insulation to protect future residents from the activities of the pub. Mr Stringer was concerned that conditions would be placed on his licence limiting the activities of the pub and he asked that a small outside space be provided as a barrier between the residential element and the pub.
- (4) Mr Woodgate, co-owner of the Druids Head public house, also attended and spoke against the application. He stated that his main concern was loss of light for the pub and loss of views, especially up to St Peter's church. The pub currently ran several live music nights that were very successful and Mr Woodgate felt that these would be compromised by the development. He also felt that pollution and disturbance whilst building the development would occur and was concerned the refuse from future residents would be left outside the doors of the pub as there was no provision elsewhere.

- (5) Councillor Mrs Theobald asked how often there was live music in the pub and Mr Woodgate replied it was run on Wednesday, Thursday, Friday, Saturday and Sunday nights.
- (6) Councillor Steedman asked if the developer had considered their request for additional soundproofing. The Head of Development Control, Ms Walsh, responded that this request had not been identified as something that would mitigate the impact of the development. However, if members felt this was important they could consider including this as a condition.
- (7) Mr Shaw, agent for the applicant, spoke in favour of the application and stated that the need to improve the site had been identified 7 years ago and the application proposed maximised the potential of the site. Hyde Housing was committed to providing 100% housing on site and had been granted central funding for this if the application was approved.
- (8) Mr Street, a market trader, spoke in favour of the application and stated that he had run a family business from this site for 30 years. The freehold traders had been involved with the process throughout and this was considered a new way forward to enhance and improve the local community. There would be an increased footfall in the local area, bringing economic benefits, and the affordable homes element would enhance the character of the town centre.
- (9) Mr Reynolds, a market trader, also spoke in favour of the application and stated that the development would be an anchor for local businesses and would be run by a Community Interest Company (CIC). Any profit would be reinvested back into the market for long term viability and there would be an active involvement in the running of the CIC by traders. He believed the development would kick-start regeneration of the wider area.
- (10) Councillor Alford asked whether the restriction on operating hours would affect the existing businesses at the market. Mr Street replied that he sometimes opened his own stall early in the morning, but there were hardly any customers around at that time. Mr Reynolds added that the stalls would be more like permanent lockable shops and would require little setting up in the mornings. The temporary stalls would be set up beforehand.
- (11) Councillor Mrs Theobald asked if the loss of parking space was acceptable and Mr Reynolds replied that two traffic surveys had been completed showing that there was very limited call for parking spaces from users of the market. Most would walk or use public transport.
- (12) Councillor Mrs Theobald asked if the traders would lose parking space as well, and Mr Reynolds replied this was possible, but there was a multi-storey car park in the vicinity that could be used.
- (13) Councillor Steedman asked why code 4 for sustainable homes had not been achieved for all the flats and Mr Shaw replied that whilst 79 of the flats were at code level 3, they were very close to code level 4. Hyde Housing was looking at opportunities to include retrofitting of photovoltaics.

- (14) Councillor Kennedy asked about the funding to provide 100% affordable housing and Mr Shaw replied that the HCA were providing £4.5 million of funding, although Hyde would make a marginal loss on the scheme. He added that this would be balanced out by other schemes coming forward that were not 100% affordable housing.
- (15) Councillor Barnett asked about the loss of car parking and for more details on the CIC. Mr Reynolds replied that the need for parking at the market had changed a lot over the years. Deliveries from large lorries was no longer necessary and many of the perishable goods would be permanently set up on the stalls. The CIC membership would include traders from the market, a council officer and a Member of the Council, a representative from Hyde Housing, and people from the community with an interest in the market, such as bankers or legal professionals.
- (16) Councillor Steedman referred to the objections from the Druids Head and asked what was being done to address these concerns. Mr Shaw replied that a noise survey had been conducted and the buildings had been designed around this to mitigate the impact of sound. No habitable rooms would be overlooking the public house. A space could be reserved to accommodate picnic tables.
- (17) Councillor Davey asked about the temporary market accommodation. Mr Reynolds replied that there would be space for 6 months on St Francis Street for the market to continue to operate whilst the initial works were being done. This would then move inside the part completed market. He agreed that the situation was not ideal as there was not enough accommodation for all of the current stalls, but it was important to keep a trading presence whilst work was being undertaken.
- (18) Councillor Barnett asked why there was no play area for the residential element. Mr Shaw replied that amenity had been considered and a S106 contribution had been made to mitigate the effects of this. The priority was rebuilding the market, with the housing acting as an enabling element.
- (19) The Chairman asked about the issue of refuse collection. Mr Shaw replied that the refuse would be left in a fully enclosed space and would be equidistant between the residential flats and the public house.

Questions/Matters on Which Clarification was Sought

- (20) Councillor Cobb asked about car parking provision and Ms Seale confirmed that there would be 5 parking spaces on site, however details would be confirmed via condition and there was the potential to provide 9 spaces.
- (21) Councillor Mrs Theobald asked whether there would be noise created from the loading bays for future residents, for details on the cycle racks, whether the Fire Service had responded with comments and whether the loading bays in St Francis Street would cause an obstruction to lorries. Ms Seale replied that the acoustic report covered the loading bays extensively and conditions were included to mitigate any noise. Each residential unit would have access to cycle parking. The Fire Service had not responded during the consultation period, but she understood that

they were generally happy with the scheme. Any potential obstruction to St Francis Street would be clarified by conditions.

- (22) Councillor Steedman asked why code level 4 for sustainable homes had not been achieved across the site. The Sustainability Officer, Ms Illiffe replied that there was the aspiration to achieve code level 4 across the site but viability issues had been raised. The energy credits achieved on site were holding the scheme back from achieving code 4 but photovoltaics were being considered for retrofitting if capital investment was secured for the scheme from the start.
- (23) Councillor Barnett asked why a play area had not been included on site. Ms Seale replied that there was no on site recreation space but money had been contributed to enhance the open space on the level to mitigate this. There was a viability issue for the developer in providing open space and policy HO6 allowed for contributions to be made off site where this was the case.
- (24) Councillor Davey asked about the temporary market for existing stall holders. The Project Manager, Mr Davies, replied that the temporary accommodation would be available for existing leaseholders only, but could not accommodate all of the traders.
- (25) Councillor Alford referred to a number of comments in the report that indicated the development provision was not suitable and asked for more information on this. Ms Seale replied that there was a concern around where the disabled bays were located, but discussions were underway to achieve a new location on the south side of the development. The lift access to the meeting room would comply with DDA standards, but would not be able to hold a buggy. Consideration had been given to providing an on site wheelchair to ensure that disabled people using buggies would still be able to access the meeting rooms. Cityclean were generally happy with the arrangements for refuse removal, but there were concerns over the northern block arrangements. Suggestions had been made to site the bins here in a more accessible location.
- (26) Councillor McCaffery asked why there were bedrooms located over the loading bays. Ms Seale replied that the acoustic report had indicated that sound levels would be adequate in this area.
- (27) The Chairman asked for more information on the loss of views of St Peters Church. The Conservation and Design Manager, Mr Dowty, replied that the original street view would in fact be reinstated as it would have been if St Francis Street had not been damaged. The Church would be increasingly revealed and become more dominant as you progressed down the street.
- (28) The Chairman noted that some of the separation distances were as little as 5 metres away at some points. Ms Seale agreed that the relationship was not ideal, but it was not uncharacteristic of the area. On balance, it was acceptable for this scheme.
- (29) The Chairman asked why there had been a reduction in the number of temporary stalls proposed and Mr Davies replied that the overall footprint for the site was the same, but there was an increase in space to the market square.

Debate and Decision Making Process

- (30) Councillor Carden felt the application was ideal and badly needed to bring the market into the 21st century. Affordable homes were also greatly needed for families in this area, and the Level provided ample play space. He gave the application his full support.
- (31) Councillor Cobb felt the design was poor, with buildings that were too high and too dense. There was a significant loss of light for existing residents and the units appeared small. A lack of car parking and out door space were also shortfalls of the scheme. She felt the development was seeking to cram too much into the space and was concerned about the location of bedrooms above loading bays.
- (32) Councillor Alford felt that this scheme was more about the housing than the Open Market and was not ideal. He was concerned that there were a number of outstanding issues to be resolved.
- (33) Councillor Kennedy supported the application and stated it had been developed over a long period. There were some areas of compromise, but on balance it was a very good scheme, with additional funding secured.
- (34) Councillor Hamilton noted that a scrutiny panel had looked into redevelopment of the Open Market 10 years ago, and at that time it had been agreed that work needed to be done on the site. He agreed the application was not perfect, but on balance it was acceptable.
- (35) Councillor Barnett felt the flats were very small and she was very unhappy with the lack of play area provision for children.
- (36) Councillor Mrs Theobald had reservations about the scheme including the lack of car parking. She felt more disabled parking units needed to be provided, and concerns over the Druids Head needed to be resolved. The 6 storey development was too high and she agreed that more space needed to be provided, but accepted that the current market was in an appalling condition and this development could kick start regeneration of the area.
- (37) Councillor Davey agreed that the area was generally in decline and this application would help to arrest that situation by providing new housing and local jobs for residents. He felt the market would die out without this scheme and there would be a resulting increase in anti-social behaviour in an area already troubled with this.
- (38) The Chairman of the Conservation Advisory Group, Mr Andrews, stated that CAG was happy with the proposals and the housing would improve the landscape of the city.
- (39) The Solicitor to the Committee, Ms Gatherer, stated that funding for the project was not a material consideration that Members should take into account.

(40) Ms Walsh stated that the Committee could consider an informative to encourage ongoing discussions with the applicant and the public house, and that viability issues were concerned with the housing provision, and not the market itself.

(41) Councillor Steedman requested that an informative be included to encourage the attainment of code level 4 for Sustainable Homes for the whole of the development.

235.2 **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 completion of a Section 106 Planning Obligation, with the Heads of Terms and conditions and informatives as listed in the report, and two extra informatives to read:

1. The developer is advised to liaise with the operators and users of the Druids Arms Public House to seek to secure a satisfactory outcome with regard to a) refuse storage and arrangement for collection, and b) the provision of an area of outdoor space for customers.

2. The developer is advised to explore all options and use every endeavour to seek to achieve Code for Sustainable Homes Level 4 throughout all the residential part of the scheme, including exploring the use of additional photovoltaics and the feed-in tariff.

B. Application BH2010/03324, Royal Alexandra Hospital, 57 Dyke Road, Brighton
– Demolition of all existing hospital buildings and erection of 137 residential units (including 55 affordable units) and 745 sqm of commercial floor space for a GP surgery and pharmacy, together with associated access, amenity space and parking.

(1) This application was withdrawn by the applicant.

C. Application BH2010/03325, Royal Alexandra Hospital, 57 Dyke Road, Brighton
– Demolition of all existing hospital buildings.

(1) This application was withdrawn by the applicant.

D. Application BH2010/03379, Royal Alexandra Hospital, 57 Dyke Road, Brighton
– Conversion of main hospital building to provide 20 residential units, demolition of all other buildings and new development consisting of 99 residential units (including 14 affordable units) with associated access, amenity space and parking.

(1) This application was the subject of a site visit and was taken together with application BH2010/03380, Royal Alexandra Hospital, 57 Dyke Road, Brighton.

(2) The Major Projects Officer, Ms Thompson, introduced the application and presented plans and elevational drawings. Following a pre-application presentation on 30 June 2009 it was identified that an up-to-date planning brief would be needed for the site. A consultation process was undertaken and key principles for the site were identified. There was a need for the scheme to be viable in the conservation area setting, and the preferred approach was to retain the main hospital building and provide 20% affordable housing on site.

- (3) The Planning Officer, Mr Everest, continued and referred to updates on the Late List that included additional objections and representations, no objection from the Environmental Health Team and additional or amended conditions proposed in response to the representations. The application would make a positive contribution to the conservation area, and would provide basement level parking for 65 cars. Cycle parking was also provided. There would be no displacement parking as the scheme was located in a Car Parking Zone. There were no transport infrastructure contributions needed due to the site location and private amenity would be achieved through terraces or balconies.

The scheme would deliver 15% affordable housing, which was less than the key principle in the planning brief, but the applicants had demonstrated that 20% affordable housing would not be viable at this time. Materials for the development were not yet confirmed, and amendments were proposed to conditions 11 and 12 to ensure that development would be completed prior to occupation.

The design of the scheme stepped down in the interior of the site to overcome concerns about neighbouring amenity, and whilst the 1920s Villa to the north of the site would be lost, overall the scheme would have a significant benefit to the wider conservation area. Landscaping and boundary treatments were included to mitigate the impact on neighbours and obscure glazing proposed for the rooms closest to residents of Clifton Hill.

- (4) Mr Amerena, a local resident, spoke in support of the scheme and stated it had taken a long time to come to fruition. He felt this was a great retention of architectural heritage. Attention needed to be paid to the Cliff Hill junction and retention of the main staircase, and Mr Amerena requested that the bricks from the demolition be reused wherever possible for construction of the other buildings.
- (5) Mr Hamer, Chairman of the Montpelier and Clifton Hill Residents Association, spoke in support of the scheme, and stated he was speaking on behalf of several other local organisations. He noted that more than 90% of local residents wanted conversion of the building to go ahead and this scheme would restore the façade to its original. Balconies that were part of the development would replicate original open air tuberculosis wards and he felt the building could be listed once restored. The loss of the villa was regrettable, but the main building was the main consideration and he was satisfied overall with the scheme.
- (6) Dr Cramp, partner at the Montpelier and Clifton Hill Surgery, spoke against the scheme and stated that the provision of a GP surgery had originally been included as part of the development brief. The current surgery was not accessible for disabled people, lacked sound-proofing and was not big enough for the services needed. It was likely that the building would not meet new regulations and would be closed in 2012. There were no other suitable sites in the vicinity and full funding had been granted from the PCT to support development of a new surgery. She asked that inclusion of a surgery on site was considered as part of the plans.
- (7) Councillor Cobb asked how many GP surgeries there were in the area. Dr Cramp replied that there were three including her surgery.

- (8) Councillor Kennedy asked if the surgery had consulted with Planning Officers as to possible locations for the surgery and Dr Cramp agreed that they had.
- (9) Councillor Kitcat spoke in support of the scheme as Local Ward Councillor and stated that whilst the scheme was a compromise he felt it should be supported. He agreed there were issues including the loss of the villa and reduced affordable housing, but the scheme was a long way from demolition of the site, which had been a possibility, and all major aspects of the scheme had been addressed. He recognised that Clifton Hill residents were unhappy with aspects of the scheme, but did not feel there was an easy solution. The provision of a GP surgery was not a material planning consideration, but as Ward Councillor he would continue to work with the surgery to find an alternative site. He asked that a residents working group be set up with the developer during the construction to ensure any problems were resolved in co-operation. He felt the application was good with the conditions suggested and urged approval of the application.
- (10) Mr Brown, Director of Taylor Wimpy, the applicants, spoke in support of the application and stated that this application had been developed following numerous consultations with the community and the Council. The scheme did include conversion of the main building, but there were competing elements on site and not all requirements could viably be met. The applicants had done as much as possible to address the concerns of the residents and they were eager to commence with construction as soon as possible. The demolition scheme had been withdrawn and the applicant was fully committed to achieving conversion of the site. He understood the condition to require completion before first occupation, but added that conversion of the main building could not take first as structural changes, including building the underground car park needed to be made to the site beforehand.
- (11) Councillor Alford asked if the bricks from demolition would be reused on site. Mr Brown replied that this was possible and the tiles could be included, particularly on the scarred building. Reuse in the new buildings would be more complex however. Salvage for other schemes could be included in the management plan however.
- (12) Councillor Mrs Theobald asked whether the works on the main building could be performed at the same time as the rest of the demolition work. Mr Brown replied that although there had been some vandalism to the main building despite security on site, it remained structurally sound. Significant demolition and clearing of the area needed to take place before any restoration works could take place, and although any essential repairs would be performed to ensure the main building did not deteriorate further, it would not be the first part of the development to be completed.
- (13) Councillor Barnett asked why more car parking spaces and play areas were not provided. Mr Brown replied that there would be some space for a casual play area, but structured play would not be feasible for the limited space on site. A contribution would be made for off site facilities.
- (14) Councillor Kennedy asked if the applicant would accept a site liaison group set up with residents of Clifton Hill to be included in the Construction Environment Management Plan and Mr Brown agreed to this and suggested bi-monthly meetings.

- (15) Councillor Cobb asked if security would continue on site to protect the buildings. Mr Brown replied that if planning permission were granted the site would quickly become a construction site and health and safety laws would apply, making the site much less accessible than it currently was.

Questions/Matters on Which Clarification Was Sought

- (16) Councillor Older asked for details on materials and Mr Everest replied that the front extension would be cobbled, the buildings would be mainly white rendered with terracotta tiles. Councillor Older indicated that she did not like terracotta tiles. Mr Dowty added that the materials typical of the area were cream or white renders with terracotta cladding or accents. Metal cladding had been proposed, but this was a matter for consideration and he asked for Members views on this.
- (17) Ms Walsh addressed the Committee and stated that the materials palette was conditioned for final agreement with Officers, but this agreement could be done in consultation with Ward Councillors and the Chairman of the Committee, and this was agreed.
- (18) Councillor Cobb asked if the restoration work could be done first and whether the refuse collection was accessible. Mr Everest replied that a condition was included to ensure there was no occupation of the residential units until the full development was completed, which was considered adequate.
- (19) Councillor Kennedy asked if a condition could be included to limit the hours of operation on site and Mr Everest replied that this would be part of the management plan to include reduction in disturbance of dust and noise.
- (20) Mr Andrews raised a concern about the proposed metal cladding and felt that terracotta and bricks would be much more appropriate for this area. He asked if the north wall of the rear elevation would be exposed. Mr Everest replied that it was currently unclear what would be happening to this elevation and so a condition had been included to ensure that if the elevation was exposed it would be restored to match the adjacent elevation. Mr Dowty added that the survey drawings were not accurate but the intent had always been to restore the original fabric of the building and whatever features needed restoring on the façade. If the north wall elevation was not exposed and remained internal it was likely that this would be plastered however.
- (21) Councillor McCaffery asked if retention of the villa had been explored. Mr Everest replied that the villa had been of secondary importance and its retention would compromise the restoration of the main building. The development already had limited viability.
- (22) Councillor Mrs Theobald asked whether a green space was included in the application, why money was included for education provision and whether the concerns of the East Sussex Fire and Rescue Service (ESFRS) had been dealt with. Mr Everest replied that a play space had been provided at the front but there was no fixed play or sports facilities on site, and dry risers had been recommended to

address the concerns of ESFRS. He added that the Education Team had concluded how many children would need primary or secondary education as a result of this development and S106 contributions had been worked out accordingly.

- (23) Councillor McCaffery asked why an education contribution was necessary on this application and not on the previous demolition applications that had been withdrawn. Ms Walsh replied that the planning brief had been developed and consulted on. As a result of this appropriate contributions had been identified, including the affordable housing element acceptable on the scheme. Necessary contributions had not been identified for the demolition scheme as this had been recommended for refusal and not approval.

Debate and Decision Making Process

- (24) Councillor Kennedy felt that whilst this application was not perfect, it was much better than previous applications that had come forward. She thanked Committee Members for insisting on a better resolution for this site and praised Officers for developing the planning brief. She regretted the loss of some of the materials, and doctor's surgery but felt this would be addressed in due course.
- (25) Councillor Alford felt that the developers had tried to accommodate as many points of view as possible, but it was not possible to please everyone on all counts. As such, he felt he could support the application.
- (26) Councillor Mrs Theobald regretted the loss of the villa and felt more parking spaces should have been included, but she was pleased that the developers had worked with the community and consulted widely.
- (27) Councillor Older acknowledged the contributions of Councillors and Officers, but felt that the civic societies that had inputted greatly into this process needed to be thanked, and she extended her thanks in particular to Montpelier and Clifton Hill Resident's Society for their ceaseless work and commitment.
- (28) Councillor Hamilton noted that the building had severely deteriorated and needed urgent repairs. He agreed that the application was not perfect but felt this was the best compromise and was happy to support it.
- 235.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves it is minded to grant planning permission subject to the applicant entering into a Section 106 Planning Obligation Agreement and to the conditions and informatives listed in the report, an additional condition and amendments to conditions 11 and 12 as suggested by the case officer. Members also agreed to give the Head of Development Control delegated authority to attach a further condition if necessary to ensure materials that could be reused on site would be.

Condition 11: Unless otherwise agreed in writing no development shall take place until a schedule of restoration works for the retained southern building has been submitted to and approved in writing by the Local Planning Authority. The agreed schedule of works shall allow for replacement timber windows; pipes; replacement

cast iron rainwater goods; and facades, exposed following the removal of later extensions, to be restored to match adjacent detail and finishes. The works shall be carried out in strict accordance with the approved details and be completed prior to the occupation of the development.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

Condition 12: No development shall commence until constructional details of the proposed works of restoration to the cupolas, gabled roof dormers, and projecting verandah have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details and be completed prior to the occupation of the development.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

Additional Condition: Unless otherwise agreed in writing by the Local Planning Authority no cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing the highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

- E. Application BH2010/03380, Royal Alexandra Hospital, 57 Dyke Road, Brighton**
– Retention and conversion of main hospital building and demolition of all other buildings.
- (1) The application was the subject of a site visit and was taken together with application BH2010/03379, Royal Alexandra Hospital, 57 Dyke Road, Brighton.
- 235.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves that it is minded to grant conservation area consent subject to the issuing of planning permission in respect of application BH2010/03379 and the conditions and informatives listed in the report.
- F. Application BH2010/03714, 88 – 92 Queens Road & 4 Frederick Place, Brighton**
– Application to extend time limit for implementation of previous approval BH2007/00998 for the demolition of existing building (former casino) and construction of a 140 bedroom hotel accommodated over eleven floors.
- (1) There was no presentation given with this application.

Debate and Decision Making Process

235.5 **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 that it is minded to grant planning permission subject to the applicant entering into a Section 106 Agreement and to the conditions and informatives listed in the report.

G. Application BH2010/03547, Flat 1, 100 St Georges Road, Brighton –
Replacement of existing front window with double doors to create access to flat roof incorporating installation of steel railings to form roof terrace at first floor level (retrospective).

- (1) The presentation for this application had been received at the preceding Committee and had been deferred for a site visit.
- (2) Mr Boyes, agent for the applicant, spoke in favour of the application and stated that the flat had previously suffered a fire and it was identified that a secondary escape was needed. On discussions with planning officers the principle of installing a balcony had been agreed and work had been carried out. A retrospective planning application had been submitted but had been refused. Following this the bamboo screening had been removed and black railings included, and a new application submitted. Mr Boyes stated that the change from a window to a door was a minor change and the street scene already had a mix of styles. He asked the Committee to agree the change in principle and suggested that detailing of the scheme could be agreed with Officers. Letters of support had been submitted for the scheme.
- (3) Ms Walsh addressed the Committee and stated that there had been no records of pre-application discussions with the applicant, which were normally recorded by the department and subject to Freedom of Information requests. The applicant had also declared on the application forms that there had not been discussions.
- (4) Councillor Older asked Mr Boyes if he was aware that planning permission was required, regardless of any other conversations, and Mr Boyes agreed.
- (5) The Area Planning Manager (East), Ms Burnett, gave a brief outline of the application to Members and stated that there had previously been a sash window, which had been converted into a door and balcony. The Conservation and Design Team had objected to the development and their comments were included in the report. The scheme occupied a prominent position and the loss of the Victorian window reduced the detailing of the building. Although there was further terracing along the street these did not have planning permission and were being inspected by the Enforcement Team.

Questions/Matters on Which Clarification Was Sought

- (6) The Chairman referred to the building on which the balcony sat and asked if this was an infill and not originally part of the building. She also referred to the signage and writing on the building and felt the whole effect was negative to the area. Ms Walsh replied that a lot of enforcement action was taking place in the city and certain

aspects of the buildings in this area were against policy. Mr Dowty added that the Committee needed to be careful when agreeing loss of windows and if replacements were agreed they needed to be very high quality. In this case the balustrading was top heavy and overly dominant.

- (7) Councillor Alford asked what the age of the front windows were and Mr Dowty agreed that these were later additions.

Debate and Decision Making Process

- (8) Mr Andrews stated that he had visited the site and agreed it was a very unfortunate addition that was economic and utilitarian. He felt that the conservation policies needed to be preserved, and if this application was agreed in principle, the door should be set back in the frame and appropriate detailing included for a balconette.
- (9) Councillor McCaffery did not feel the conversion of the window into a doorway did not harm the building, and felt that the signage and lighting on the building was far worse. She felt that a compromise could be reached on this application.
- (10) Ms Walsh stated that the Committee needed to decide on the application before them and they could not amend the scheme via condition.

235.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the following reason:

1. The proposed terrace and railings, by reason of their inappropriate design and positioning, together with the removal of the window, would form incongruous additions, detrimental to the character and appearance of the existing property, street scene and surrounding East Cliff Conservation Area. The development is therefore contrary to policies QD1, QD2, QD14 & HE6 of the Brighton & Hove Local Plan.

Informative: This decision is based on drawing nos. 01, 02 and site plans submitted on 12 November 2010.

H. Application BH2010/03279, Former Connaught House site, Melbourne Street, Brighton – Erection of 6no three bedroom residential houses and associated works.

- (1) Ms Burnett introduced the application and presented plans and elevational drawings. She stated that there had been a number of planning applications for the site and although efforts had been made to incorporate the building this had not been possible, and the Council could not insist on this. The principle of development was accepted on site. Significant negotiations had been conducted to improve the design and there were separation distances of 18.5 metres. There had been six letters of objection and additional conditions were recommended on the Late List.

Questions/Matters on Which Clarification Were Sought

- (2) Councillor McCaffery asked if permission had been given to demolish the Church and Ms Burnett replied that it did not need permission.

Debate and Decision Making Process

- 235.7 **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 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.
- I. Application BH2010/03968, 13 – 15 Old Steine, Brighton** – Alterations to shop front including new entrance doors and ATM cash machine, replacement of existing opening on Old Steine elevation with glazed panel and removal of existing awnings.
- (1) There was no presentation given with this application.
- 235.8 **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.
- J. Application BH2010/03462, rear of 23 Falmer Road, Rottingdean** – Erection of single storey 2no bedroom detached dwelling house with associated parking and landscaping.
- (1) This application was withdrawn from this agenda.
- K. Application BH2010/03911, 52 Downland Road, Brighton** – Hip to gable loft extension with front and rear dormers and rooflights to front elevation (part retrospective).
- (1) This application was deferred for a site visit.
- L. Application BH2010/03947, 5 Chailey Avenue, Brighton** – Demolition of existing bungalow, outbuildings, shed and greenhouse. Erection of 2no detached two storey, 4no bedroom houses, with site subdivided into 2no separate plots and associated landscaping, car parking and bicycle storage.
- (1) Ms Walsh addressed the Committee and stated that this application had been brought to Committee for transparency reasons only. There had been no objections or representations regarding the application.
- (2) Ms Burnett introduced the application and presented plans, elevational drawings and photos. She stated that the area was characterised by different styles, but dominant rooftops were a feature. Planning permission was sought for demolition of the existing bungalow and replacement with two, two storey detached houses. The

buildings would infill the plot to some extent, but there would be no significant loss of light for neighbours and views would be oblique and distant. Adequate garden areas were provided with both applications and the houses complied with lifetime homes standards. Code level 4 for sustainable homes would be achieved.

Questions/Matters on Which Clarification Was Sought

- (3) Councillor Kennedy asked if a standard condition for bat and bird boxes on site to enhance site ecology and biodiversity could be added and the Committee agreed.

Debate and Decision Making Process

- 235.9 **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, and the additional condition as follows:

1. No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

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

- 236.1 **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 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.]

237. 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

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

| | |
|---|-----------------------------|
| Application: | Requested by: |
| BH2010/03462, Rear of 23 Falmer Road, Rottingdean | Councillor Hyde |
| Astoria | Head of Development Control |
| Redhill Close | Head of Development Control |

The meeting concluded at 6.05pm

Signed

Chair

Dated this

day of

