

# PLANNING COMMITTEE

## Agenda Item 266

Brighton & Hove City Council

### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 6 APRIL 2011

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Alford, Cobb, Davey, Hamilton, Kemble, McCaffery, Simson and Steedman

**Co-opted Members** Mr Roger Amerena

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Nicola Hurley (Area Planning Manager (West)), Claire Burnett (Area Planning Manager (East)), Guy Everest (Senior Planning Officer), Jonathan Puplett (Planning Officer), Roger Dowty (Design & Conservation Team Manager), Pete Tolson (Principal Transport Planner), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

#### PART ONE

#### 251. PROCEDURAL BUSINESS

##### 251a Declarations of Substitutes

251.1 There were none.

##### 251b Declarations of Interests

251.2 Councillor Hyde referred to application BH2010/03462, rear of 23 Falmer Road, Rottingdean and stated that there could be perceived bias as she knew all of the parties involved. The Chairman stepped down from the Chair and left the Chamber during discussion and voting on this item.

##### 251c Exclusion of the Press and Public

251. 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.

251. **RESOLVED** - That the public be excluded from the meeting during consideration of item 264 on the agenda.

**252. MINUTES OF THE PREVIOUS MEETING**

252.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 16 March 2011 as a correct record.

**253. CHAIRMAN'S COMMUNICATIONS**

253.1 There were none.

**254. APPEAL DECISIONS**

254.1 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.

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

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

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

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

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

257.1 The Committee noted the position regarding information on pre application presentations and requests.

**258. APPLICATION BH2011/00286, STANMER HOUSE, STANMER PARK, BRIGHTON**

258.1 The Committee considered a report on behalf of the South Downs National Park Authority regarding application BH2011/00286, Stanmer House, Stanmer Park, Brighton. The Deputy Development Control Manager, Mr Vidler, stated that on 1<sup>st</sup> April the South Downs National Park Authority had become the local planning authority for the park area. The Council now acted as its agent in determining applications within this area. Mr Vidler referred to the purpose and duty of the National Park that Councillors should take into consideration, but added that applications would still be determined in accordance with the Local Plan.

258.2 Councillor Simson asked if the Committee were still able to approve applications in the Park and Mr Vidler confirmed this. The Senior Solicitor, Ms Woodward, added

that every normal material planning consideration was relevant and applications in the South Downs National Park area relevant to Brighton & Hove, would continue to be determined against the planning policies of Brighton & Hove City Council until such time as the South Downs National Park Authority developed their own policies.

- 258.3 The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans, photos and elevational drawings. The application needed to be determined on the basis of the two statutory purposes of the South Downs National Park Authority. Discussions had taken place with the applicant around providing continued opportunities for public access across the garden area, and it was agreed that informal access would be provided at the times when the house was open to the public. There had been 13 letters of objection, and objections from the local ward Councillor, the Conservation Advisory Group, Friends of Stanmer Park, Stanmer Preservation Society and the Open Spaces Society. Comments had been received from the South Downs National Park Authority that the Committee had complete discretion to determine the proposals without further reference to the SDNPA, the informal arrangement to secure access to the garden is considered appropriate and consideration should be given to the two statutory National Park purposes.

The proposal was considered at odds with the open nature of Stanmer Park, but was not considered to cause undue harm. Materials would be agreed via condition. The applicant had stated that enclosure of the garden was necessary to provide privacy during private functions in the garden, and for security of the main house. Additional landscaping was proposed to draw the eye away from the enclosure. A previous approval for enclosure was a material consideration, and the height and design of this application was identical in nature. Overall, it was considered that the application would not cause material harm to the setting of the park and would keep the Italian Gates in their historic park setting.

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

- 258.4 Councillor Simson asked if the fencing would go into any vegetation and Ms Burnett confirmed it would not.
- 258.5 Councillor Davey asked for further clarification on the agreement reached with the applicant regarding informal access. Ms Burnett replied that it had been informally agreed when the house was open and no private events were running the gates and access route would be left open. Ms Woodward added that the section 106 agreement of the original application required that the house would be available for public access on around 50 days per year. It appeared that the gardens were also informally left open to the public, but this was not a requirement of the section 106 agreement.

#### **Public Speakers**

- 258.6 Ms Lyon addressed the Committee and stated that if the garden access was only open when the house was open to the public, this would mean it would be open only 2 hours a week on Thursday mornings. She accepted that the controversy over the route may seem exceptional and agreed that the applicant had invested a lot of money into the park, but felt that it was currently widely enjoyed by a great number of

people who could easily access the flat area of lawns in an area of outstanding natural beauty, at the same time as viewing the house without obstruction. The railings of the proposed enclosure would impede this enjoyment. There was an established public right to walk through the garden and Ms Lyon suggested a compromise that the applicant should apply to the Council when they wanted to close the gates for the purposes of hosting private events. She felt that this would be an acceptable compromise for everyone involved with Stanmer Park.

- 258.7 Councillor Simson asked if Ms Lyon appreciated that the enclosure was also for security of the house at other times of day and Ms Lyon agreed that she was aware of this argument, but felt it was mainly hearsay. She did not feel that crime continued to be a problem at the house and it was now protected by cameras and dog patrols. The area was generally very safe.
- 258.8 Councillor Cobb asked if it was reasonable that the gates would be closed during the setting up and closing down of events. Ms Lyon agreed with this and felt it was a sensible compromise for the applicant to apply for a time period of closure that allowed for setting up and closing down. This would ensure privacy for events and also keep the principle of access intact.
- 258.9 Mr Holland, the applicant, addressed the Committee and stated that no account had been taken of the maintenance works that were necessary at the house, for which the gates would need to be kept closed. Events were held on most days and there was a long period necessary to set up and close down these events. It would not be practical in his view to apply to the Council for closure every time this was necessary. Regarding relocation of the pathway around the garden, Mr Holland did not believe any wheelchair user groups had been consulted, and in his view the proposed new access was much better for wheelchair users. The proposal would regularise the garden as it would have been and provide an easier route to the Cedar Lawns. The house and gardens catered for thousands of visitors every year and it was in Mr Holland's interest to welcome these visitors as they were also potential customers. The proposal would provide privacy for people at important events and functions such as weddings and would prevent members of the public wandering through the garden unnecessarily.
- 258.10 Councillor Mrs Theobald asked if Mr Holland welcomed occasional access, and whether there were any problems with crime at the house. Mr Holland replied that there had been serious problems with crime and all of this had been notified to the police. He welcomed people into the garden whenever it was feasible to do so.
- 258.11 Councillor Davey asked when the gates would be left open. Mr Holland replied that an alternative access would be provided to the Cedar Lawns to maintain public access. Councillor Davey did not feel this answered his question and Mr Holland replied that they would be left open as often as possible, but as leaseholders to the gardens and house it was necessary for members of the public to fit in with the normal business operation of the house.
- 258.12 Councillor Simson asked what the implications of refusing this application would be to the business. Mr Holland replied that the temporary situation of a fence dissecting the gardens would remain and full maintenance of the gardens would not take place.

It would affect his business in the longer term as full use of the gardens could not be implemented.

**Debate and Decision Making Process**

- 258.13 Councillor Mrs Theobald felt that the applicant had invested a lot of money into the house and gardens and without his investment the site would be derelict. She felt this was a sensible idea to ensure the ongoing viability of the house and as the gardens would still remain open to the public on some occasions she was happy to grant the application.
- 258.14 Councillor Steedman stated that his views remained unchanged from the previous application and that proposal would disrupt the visual amenity of the house from the park, the design of the railings was poor and substandard, and there remained ongoing issues of public access that had not been resolved. Councillor Steedman would be voting against the application.
- 258.15 A vote was taken and on a vote of 6 for and 5 against planning permission was granted subject to the conditions and informatives in the report.
- 258.16 **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 in the report.

**259. VARIATION OF A SECTION 106 PLANNING AGREEMENT IN CONNECTION WITH APPLICATION BH2004/03712/FP, STANMER HOUSE, STANMER PARK, BRIGHTON**

- 259.1 Ms Burnett introduced the application and reported the planning history of the site. Whilst it was regrettable that a public access route to the Cedar Lawns would close this was balanced against the continued viability of the house and business.

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

- 259.2 Councillor Steedman asked if under the terms of this variation the leaseholder would be able to determine when the gardens were publicly accessible, on a sliding scale, from not at all, to all of the time. Ms Burnett confirmed this.
- 259.3 Councillor Davey asked if any evidence had been submitted to show that the business and house would not remain viable unless this application was granted. Ms Burnett replied that arguments had been made in 2004 concerning the viability of the house, and it was on that basis that this application had been submitted.
- 259.4 Councillor Davey felt that if the Committee were being asked to take this into account as a material planning consideration then arguments relating to this should be included in the report, but no evidence had been presented to the Committee. Mr Vidler referred to the report and felt the proposals would improve the viability of the house.
- 259.5 Councillor Davey remained unconvinced that viability should be taken into account when no evidence for this had been presented to the Committee. He did not believe it was acceptable for the Committee to be asked to evaluate an aspect of the proposal without an argument for it. The Chairman believed the evidence formed

part of the 2004 proposals, and assumed that the situation had not changed since this time.

- 259.6 Councillor Simson asked if this application would unify the gardens into one identity and Ms Burnett agreed, stated that they were current bisected by a temporary fence.

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

- 259.7 Councillor Steedman was astonished that this application had been presented before the Committee. He understood the rationale for enclosing the gardens and preventing public access, although he did not agree with it, but he did not understand the argument that this was for the viability of the house. No evidence had been contained in the report in respect of this, and no arguments presented to the Committee. As no case had been made to support this aspect of the application he could not agree with it.
- 259.8 Councillor Alford recognised there was anxiety about the closure of the gates and the ability of the public to gain access, and asked if any reassurances could be given. The Chairman noted that the Committee needed to decide on the application as it was presented before them.
- 259.9 Councillor McCaffery agreed that the information contained in the 2004 report would have been useful to enable the Committee to make a considered judgement of the application.
- 259.10 Councillor Mrs Theobald noted that an alternative public route to the Cedar Lawns was being provided and the enclosure of these gardens was a very small part of the park. She accepted the argument that security was needed for the house and gardens.
- 259.11 Councillor Simson added that the new route was more disabled accessible and this application would put the gardens back into full use with the house as they would have been in the past. She felt it was a good use of the area and also favoured the proposed landscaping.
- 259.12 Councillor Steedman agreed that the new path and landscaping were welcome but did not feel this naturally led to removing a public right of way. He added that this did not match with the South Downs National Park objectives either.
- 259.13 Councillor Davey asked if there was a precedent for the gardens to be enclosed. The Conservation and Design Manager, Mr Dowty, stated that the enclosure of the gardens for restoration and maintenance was a more recent practice and the extension of the gardens was also recent. Historically the park would not have been enclosed at all, but the gardens were provided to make full use of the house.
- 259.14 A vote was taken and on a vote of 6 for and 5 against variation of the Section 106 Agreement was agreed as proposed in the report.

259.15 **RESOLVED** – That the proposed variation be agreed subject to requirements that an alternative access route be formed and available for use and all associated landscaping be carried out prior to the access across the lawn being closed. Furthermore the temporary fencing currently in situ bisecting the lawn would be required to be removed within 28 days of the alternative access route being made available for use.

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

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

<b>Application:</b>	<b>Requested by:</b>
BH2010/03983, 14 Shirley Road, Hove	Councillor Bennett (local ward Councillor)
BH2011/00227, 331 Kingsway, Hove	Deputy Development Control Manager
BH2011/00228 & 00229, British Engineerium, The Droveaway, Hove	Deputy Development Control Manager
BH2010/03994, Ainsworth House, Wellington Road, Brighton	Deputy Development Control Manager

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

**(i) TREES**

261.1 There were none.

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

**A. Application BH2010/03540, Former Flexer Sacks site, Wellington Road, Portslade** - Change of use of all floors to mixed use development comprising ground floor-leisure (D2) first floor – part leisure (D2) part offices (B1) part parking area. Second floor offices (B1) and second floor extension to south section comprising vertical circulation core ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations.

(1) The Senior Planning Officer, Mr Everest, introduced the application and presented plans, photos and elevational drawings. The application site had been vacant since 2000 and as there had been no interest for industrial usage during this time, and the proposal was to include a climbing centre that met an identified need in the city, the proposal to change the use of the site was acceptable. There was no contribution to sustainable transport required as the current scheme would have a lower transport demand than a previously approved scheme in 2008. The Section 106 Agreement sustainable transport contribution for the 2008 application had been waived following a Committee decision. Therefore it was not considered appropriate to request a



contribution on a smaller scheme. Solar panels would be provided on the roof, there were no objections from Environmental Health regarding noise and the proposals would bring a vacant building back into use.

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

- (2) Councillor Kemble asked why current photos of the site were not displayed. He also asked what assurances there were that this application would be implemented. Ms Woodward replied that there could be no guarantees that applicants would implement permissions to develop. However, the Section 106 agreement needed to be concluded before planning permission was issued and the terms of the s106 would be enforceable should the development then take place. Mr Everest added that the photos as displayed were for the Committee to be able to see the appearance of the building, which was currently covered up with scaffolding.
- (3) Councillor Steedman asked why a transport contribution was not asked for now if it was relevant to ask for it in 2008. Mr Everest replied that had the decision to waive the contribution to sustainable transport in 2008 not existed then the Authority would be asking for a contribution with this application. However, the 2008 decision had taken precedence and was a material planning consideration.
- (4) Councillor Hamilton noted that the contributions had not been waived because they were not needed, but because the applicant had argued that the 2008 scheme would not be viable with these contributions. He asked if it was common to agree applications with no contributions. Mr Everest replied that, whilst there were other examples, it was not usual, but because there was a lower transport requirement for this application it was not justifiable to ask for a transport contribution.
- (5) Councillor McCaffery asked if the letters of support were individual letters and Mr Everest advised that they were unique and individual letters.

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

- (6) Councillor Hamilton thought that this was a good scheme and supported bringing this building back into usefulness. He was very concerned about the situation with the Section 106 agreement however and was unhappy that no monies were to be paid for sustainable transport improvements. Because of this he could not vote for the application and would be abstaining.
- (7) Councillor Steedman agreed with this reasoning and would also be abstaining.
- (8) Councillor Mrs Theobald stated that the site had been vacant for around 10 years and would provide an excellent facility for local young people. She felt it was a very good use and would be supporting the application.
- (9) Ms Woodward addressed the Committee and stated that an alteration to one of the terms of the Section 106 Agreement had been agreed with officers to read, "to secure the refurbishment of the B1 office accommodation to a standard that would provide modern office accommodation prior to the occupation of the ground, first and

second floor leisure use (D2)". Approval of the application would include this amendment.

- (10) A vote was taken and on a vote of 5 for, 0 against and 6 abstentions minded to grant planning permission was granted subject to the applicant entering into a section 106 agreement and the conditions and informatives listed in the report.

261.2 **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 planning permission subject to the applicant entering into a Section 106 Planning Obligation Agreement, the conditions and informatives listed in the report and an amendment to the terms of the Section 106 agreement to read:

- (1) To secure the refurbishment of the B1 office accommodation to a standard that would provide modern office accommodation prior to the occupation of the ground, first and second floor leisure use (D2).

(iii) **MINOR APPLICATIONS**

**B. Application BH2010/03909, 26 St Mary's Square, Brighton** – Conversion of garage to study and installation of new window in place of garage doors.

- (1) Ms Burnett introduced the application and presented plans, photos and elevational drawings. The application was in the East Cliff Conservation Area. As the proposal would be recessed and stepped back from the frontage it was considered that there would be no detrimental harm to residential amenity. There were no concerns raised by the Highways Department in terms of highway safety or capacity.

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

- (2) Councillor Cobb asked why planning permission was needed for this conversion. Ms Burnett replied that unusually permitted development rights had been removed from this Square in the 1980s and so permission was needed.
- (3) Councillor Simson asked whether all of the garages in the Square looked the same, and whether there would still be space to park a car in front of the garage and Ms Burnett confirmed that there would be a space for a parked car on the driveway and the garages were of a similar style in the Square.

**Public Speakers**

- (4) Mr Sully addressed the Committee and stated he represented resident's views. There would be an unacceptable impact on parking caused by this application and would set a precedent for others in the Square to do the same. This could result in 34 extra cars on the highway. The development at Royal Sussex County Hospital would also impact on parking and he felt that the Highways Department were taking a short term view of the situation. Mr Sully added that the application would destroy the uniform and open character of the Square. There had been 17 letters of objection, but some letters that had been submitted had not been included in the

report on the internet. The applicants had been aware of the covenants and guidelines of the Square when they moved in and should adhere to these.

- (5) Councillor Simson asked if residents used their garages for parking or storage. Mr Sully replied it was a mix of both.
- (6) Councillor Mitchell, local Ward Councillor, addressed the Committee and stated that whilst this may seem a minor alteration there was considerable strength of feeling against the application from within the Square. There were issues around the adherence of covenants, and historically residents had abided by these covenants. The overriding concern was that this would undermine the integrity of the Square and would set a precedent for more and more applications to come forth, changing the look and feel of the Square. She urged the Committee to refuse the application.
- (7) Councillor Simson noted several changes to the exteriors of the buildings that had already taken place and asked how this had affected the visual aspects of the Square. Councillor Mitchell replied that changes such as the introduction of uPVC windows had been agreed and sourced via the residents' association, that had sought to find the nearest match to the original windows in order to maintain the Square's integrity. This did not significantly change or undermine the design in any way.
- (8) Mrs Jackson, the applicant, addressed the Committee and did not feel the covenants were fully understood by Councillor Mitchell. She required the changes to accommodate her elderly father who was wheelchair bound and could not access the dwelling through the main entrance. The garage would remain visually very similar to the rest of the development and there would be no overlooking created by this application as it would be recessed to restrict the view. There would be no significant impact on the street scene. Mrs Jackson would continue to park her car on the highway so would not impact on car parking. She added that half of the people living in the Square had not expressed an opinion on the application.
- (9) Councillor Simson asked if the garage was currently used for storage and Mrs Jackson agreed.
- (10) Councillor Simson asked if the only alteration would be to the glass panels at the front and Mrs Jackson agreed.
- (11) Councillor Mrs Theobald asked what would happen to the interior layout of the dwelling and Mrs Jackson explained that the kitchen would be moved upstairs and the garage altered to provide wheelchair access into the rest of the ground floor of the house.

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

- (12) A vote was taken and on a vote of 8 for, 0 against and 3 abstentions planning permission was granted subject to the conditions and informatives in the report.

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

**C. Application BH2010/03462, Rear of 23 Falmer Road, Rottingdean** – Erection of single storey 2no bedroom detached dwelling house with associated parking and landscaping.

(1) Councillor Mrs Theobald took the chair for this item.

(2) Ms Burnett introduced the application and presented plans, photos and elevational drawings. Letters of objection had been received and were reported. The application would be sited on greenfield land but this did not preclude development. However there would be no harm to the street scene or to neighbouring properties. An application in 2009 had been refused and several changes to the design had taken place including a significant reduction in floor space and reduction from a two storey design to a bungalow. The access route to the application would be along a bridleway and any mechanical vehicular access would need to be agreed by the Council as landowner. The path was large enough for all types of vehicles including emergency vehicles. The development would reach code level 4 for sustainable homes, and whilst code level 5 was desirable on greenfield sites, due to site restrictions it had been shown that it was not possible in the case. Smart glass would be used on the southern elevation to prevent light spill and a landscaping scheme was offered.

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

(3) Councillor Steedman asked what the site constraints were and what smart glass was. The Case Officer, Mr Puplett, replied that photovoltaics were limited due to the tree coverage on site and smart glass was a glass impregnated with material that would reduce light spillage.

(4) Councillor Cobb noted that the site plans included the bridleway, but this was not in the ownership of the applicant and asked if this should be included. Ms Burnett replied that technically the applicant needed to include the site access as part of the plans. Whilst there was no vehicular access right there was pedestrian access.

(5) Councillor Carden asked if the route could be restricted if the Council chose to do so and Ms Woodward confirmed the route could be restricted to allow access for pedestrians, cyclists and horse-riders only.

#### **Public Speakers**

(6) Ms Taylor addressed the Committee and stated that she represented the children's charity PARC, which had invested £150,000 in the nearby recreation grounds that were accessed by the bridleway. This bridleway was the only safe wheelchair and pushchair access to the grounds and should be kept safe for these users by being protected from development. The lane was very narrow and did not constitute a

roadway, and there were 11 other houses that could follow suit with applications for access along the bridleway. This would create a very unsafe situation and would compromise the access. She felt that a safe wheelchair accessible route and a passing place should be provided as part of the application.

- (7) Councillor Hamilton asked if there was a car park in the recreation ground. Ms Taylor agreed and said this was often full of cars on Saturdays when football was played and traffic along the lane became busy with arguments breaking out.
- (8) Mr Macrorie, the applicant, addressed the Committee and stated that the proposals were for a modest bungalow. The area had seen significant change over the years and now looked over residential dwellings. This application would be a high standard development and had been designed in close consultation with officers so that it fit well in the surroundings. A sprinkler system would be included to ensure fire safety and the bridleway could accommodate single file traffic.
- (9) Councillor Davey asked if vehicles used the lane currently and Mr Macrorie confirmed that the tennis courts were used daily and the car park used for football at the weekends. Other traffic for collecting rubbish etc also occurred daily.
- (10) Councillor Simson asked how rubbish would be collected from the dwelling and Mr Macrorie confirmed that they would need to bring their rubbish onto Falmer Road for collection.

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

- (11) Councillor Cobb noted that previous applications had been turned down on the basis of unacceptable access and appeal decisions were normally taken into account. She did not feel this issue had been addressed in this case.
- (12) Councillor Kemble asked how the bridleway could be made safe for wheelchair users. Ms Woodward clarified that this was a highways matter and as the lane was not a public highway vehicles were not permitted to park on the bridleway. The Council could take action as the landowner if this was the case.
- (13) Councillor Davey asked if the Council had given permission for vehicular access the car park. Ms Woodward did not have details of any agreement but assumed that permission had been given as the existence of the car park was clear.
- (14) Councillor Simson asked why the planning appeal decisions were no longer relevant and Mr Vidler replied that changes to planning policies since the 1980s and 1990s were a material planning consideration.
- (15) Councillor Cobb pointed out that policies to restrict backland development should also be taken into account.
- (16) A vote was taken and on a vote of 6 for and 4 against planning permission was agreed subject to the conditions and informatives listed in the report.

- 261.4 **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 BH2010/03486, 8 West Way, Hove** – Formation of additional storey at first floor level to create two 2no bedroom and two 1no bedroom residential units, ground floor extension at front and associated works.

- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans, photos and elevational drawings. It was noted that the site plan was inaccurate and part of the land should not be included. An amended site plan had been submitted. Letters of objection had been received and late letters were included on the late list. A previous application had been refused in 2008 on the grounds of design and neighbouring amenity. The application had been dismissed at appeal, but only on the grounds that there had been no daylight/sunlight assessment conducted. The design of the application was considered acceptable. The Inspector did not feel there would be a loss of privacy created by this development. The recommendation for the application had been altered from minded to grant, to grant.

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

- (2) Councillor Cobb asked why sustainable transport contributions were not sought. Ms Hurley replied that in line with the temporary measures to assist the development industry, the Council currently required 5 units to be developed before contributions for transport were sought.
- (3) Councillor Simson asked what impact the amenity space would have on surrounding neighbours. Ms Hurley replied this was addressed as part of the appeal and the Inspector did not feel there would be an impact.
- (4) Councillor Kemble asked if the Council was protected from liability should further contamination of the land be discovered. Ms Hurley replied that this was addressed as part of recommended condition 4 in the report.
- (5) Councillor Alford noted that the site was near a busy junction and asked what parking was available. Ms Hurley replied that there was no residents parking and any parking would be on street.
- (6) Councillor Simson asked what the relationship was with the medical centre and Ms Hurley replied that they did not adjoin but they were very close.

#### **Public Speakers**

- (7) Mr Tyler addressed the Committee and stated that he had been the only resident informed of the Committee meeting date even though many residents had strongly objected to the proposals. Mr Tyler had bought 6 West Way as it had been a relatively private dwelling with no overlooking. These proposals would severely reduce his light levels and the lack of car parking in the area would be detrimentally impacted by this car free development. Access to local amenities would also be

reduced because of this. The current nursery located in the building had confirmed it would have to close down. This would affect the child care arrangements of 72 families. There would be a huge increase in noise and additional traffic and the development would destroy Mr Tyler's home. He requested that the Committee undertake a site visit.

- (8) Councillor Alford asked if Mr Tyler had been the only person to be informed of the meeting and Mr Tyler agreed, stating that many had not been aware of this meeting.
- (9) The Chairman asked for more details on the closure of the nursery and Mr Tyler replied that due to the building works the nursery would have to close and may not be able to reopen.
- (10) Mr Vidler stated that it was not normal practice for the authority to write to all of the people who had commented on an application advising them of the Committee date. If there was no request to speak as part of the objection then notification of the meeting would not be sent out. Neighbours who adjoined the property were consulted in the normal way. Guidance on speaking and the application process was sent out to objectors when they were first written to as part of the initial consultation process.
- (11) Councillor McCaffery asked why the nursery would need to close permanently. Mr Tyler replied that the building works could take some time and the nursery would lose customers and may not be able to reopen once the works were finished.
- (12) Councillor Janio, local ward Councillor, addressed the Committee and stated that there were serious parking issues in the area already. The development was unsuitable for this area. The original plans that were submitted were incorrect and decisions had been based on these incorrect plans, including the appeal decision. The amended plans for this application remained incorrect. Councillor Janio accepted that the current building was ugly but the plans for development were unreasonable given the problems in the area. It was very busy and this development would exacerbate traffic problems. He asked that the Committee reject this application and attend a site visit.
- (13) Ms Hurley recognised that the plan was incorrect and highlighted where the boundary should lie. This had been referred to in the first part of the presentation. The alteration would not impact on the Inspector's decision however and so was not a part of the consideration of the application.
- (14) Ms Wheeler, agent to the applicant, addressed the Committee and stated that there was no intention to close the nursery and they had recently signed a new lease. There were no Highways objections to this application and it was a car free development so would not impact on traffic. The original application had been refused only on the grounds of a missing daylight/sunlight assessment. This had now been provided from an independent assessor and showed that there would be acceptable light levels at neighbouring properties.

- (15) Councillor Cobb asked if the developer could guarantee that future residents of this development would not own cars. Ms Wheeler could not give assurances for this, but added that some on-street parking was available.
- (16) Councillor Mrs Theobald asked if the nursery would close and Ms Wheeler replied that a site management plan had been agreed to ensure that the nursery would remain open. The nursery had been in discussions with the applicant to secure this.
- (17) Councillor Kemble proposed a site visit and Councillor Garden seconded this proposal.
- (18) A vote was taken and on a vote of 5 for, 3 against and 3 abstentions the application was deferred for a site visit.

**E. Application BH2010/03983, 14 Shirley Road, Hove** – Extension at first floor level, alterations to the roof, new entrance porch and infill extension at ground floor.

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

**F. Application BH2010/03423, 5 Bedford Place, Brighton** – Erection of railings around rear second floor roof terrace and reduction in size of roof terrace. Erection of replacement railings to top floor roof terrace.

- (1) This application was deferred prior to Committee.

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

- 262.1 **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.]



**263. 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**

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

<b>Application:</b>	<b>Requested by:</b>
BH2010/03983, 14 Shirley Road, Hove	Councillor Bennett (local ward Councillor)
BH2011/00227, 331 Kingsway, Hove	Deputy Development Control Manager
BH2011/00228 & 00229, British Engineerium, The Droveway, Hove	Deputy Development Control Manager
BH2010/03994, Ainsworth House, Wellington Road, Brighton	Deputy Development Control Manager

**264. NON-PUBLIC MINUTES OF THE PREVIOUS MEETING - EXEMPT CATEGORY 5**

264.1 **RESOLVED** – That the Chairman be authorised to sign the non-public minutes of the meeting held on 16 March 2011 as a correct record.

The meeting concluded at 4.30pm

Signed

Chair

Dated this

day of

