

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 22 FEBRUARY 2012**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Bowden, Cobb, Davey, Farrow, Hamilton, Hawtree, Summers, C Theobald and Wells.

**Officers in attendance:** Jeanette Walsh, Head of Development Control; Paul Vidler, Deputy Development Control Manager; Claire Burnett, Area Planning Manager East, Guy Everest, Senior Planning Officer; Aidan Thatcher, Senior Planning Officer; Adrian Smith, Planning Officer; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Service Officer.

**PART ONE**

**138. PROCEDURAL BUSINESS**

**138a Declarations of substitutes**

138.1 Councillor Bowden was present in substitution for Councillor Kennedy.

**138b Declarations of interests**

138.2 Councillor Hawtree declared a person but non-prejudicial interest in application BH2010/03739 as he had publically expressed his opinions on the site and proposals before being elected as a Councillor, and, as such, would withdraw from the meeting during the discussion and vote on this application.

**138c Exclusion of the press and public**

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

138.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

**139. MINUTES OF THE PREVIOUS MEETING**

**139a Minutes of the Special Meeting held on 27 January 2012**

139.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the special meeting held on 27 January 2012 as a correct record.

**139b Minutes of the Meeting held on 1 February 2012**

139.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 1 February 2012 as a correct record.

**140. CHAIR'S COMMUNICATIONS**

140.1 It was highlighted that the Member Working Group had agreed to move the day of the Chair's briefing to coincide with the briefing for all Members of the Committee; a note would be circulated to this effect by Democratic Services.

**141. APPEAL DECISIONS**

141.1 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.

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

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

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

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

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

144.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

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

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

Application:	Requested by:
BH2011/03629 21 Dyke Road Avenue	Councillor Hyde
BH2011/02845 150 Ladies Miles Road	Councillor Carol Theobald

**146. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST****(i) MAJOR APPLICATIONS**

**A. Application BH2010/03739, 9-16 Aldrington Basin/Land South of Kingsway, Basin Road, North Portslade** – demolition of business unit to east of Magnet showroom. Erection of new five and a half storey building at Kingsway level and a further one and half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises with associated new access and car parking at Kingsway level and 67 residential units in 6 blocks interlinked by five sets of vertical helical wind turbines. Change of use of existing Magnet showroom at Basin Road North level to storage with associated service area.

- (1) Before consideration of the application Councillor Davey asked for clarification on the applicant's request for deferment following the submission of amendments to the scheme. The Senior Lawyer, Hilary Woodward, explained that it was the position of the Council that the applicant's proposed amendments were so fundamental that they would require a completely new application, and could not be considered as part of the current application.
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Senior Planning Officer, Guy Everest, drew Members' attention to additional representations on the late list and gave a presentation detailing the scheme as set in the report by reference to plans, photographs and elevational drawings. The site currently contained a mixture of retail workshops and undeveloped land; the application sought consent for a mixed use redevelopment with 26 affordable housing units. The proposal was five storeys in height with wind turbines between the buildings; at the basin frontage there would be a warehouse and parking, and the level of parking on the site would prevent displacement onto nearby streets. At the Kingsway level office and retail units were proposed on the ground floor and residential accommodation with balconies on the upper floors.
- (4) There was concern in regards to the design relationship between the proposals and the residential properties to the north: there was a significant change in height and massing; the proposals lacked variation and transition and would be intrusive and overbearing. The proposals would exceed sustainability requirements through the provision of wind turbines, solar panels and biomass boilers; however, it had not been possible to establish the potential impact of noise nuisance from the turbines as there was a lack of technical information, and subsequently it was not possible to apply appropriate mitigation conditions. It was recommended that the application be refused for the reasons set out in the report.

**Public Speakers**

- (5) Councillor Peltzer-Dunn requested that an extension to speaking be granted to allow the two ward Councillors to give more detailed representations. In consultation with the Senior Lawyer the Chair ruled that no extension would be granted. Councillor Farrow asked that his objection to this ruling be formally recorded.
- (6) Ms Paynter spoke in objection to the application. She stated that the proposed development would block future height and design options for the rest of Aldrington Basin, and the environmental credentials of the site should not be a means to bypass appropriate planning considerations.
- (7) Mr Robinson spoke in objection to the application. He stated that he spoke on behalf of the owners of Mackleys Wharf, and highlighted that the relationship of the proposal to the Wharf had not been established, and he considered the proposal would leave the area on Basin Road North bleak.
- (8) Mrs Moffatt spoke in objection to the application. She stated that the application ignored the residential context, and the proposal would appear industrial. She also highlighted the loss of light that would be experienced by residents to the north, and that the proposal failed to meet planning policies.
- (9) Councillor Peltzer-Dunn spoke in his capacity as the local Ward Councillor setting out his concerns in relation to the scheme. He highlighted that many of the letters of support did not come from local residents, and the proposals had led to the formation of a local residents association to oppose the scheme. He felt that the environmental credentials of the scheme would come at the expense of the local area.
- (10) Councillor Pissaridou spoke in her capacity as the local Ward Councillor setting out her concerns in relation to the scheme. She noted the residential context was largely 1920's and 1930's buildings which would be overwhelmed by the proposals. She stated that the environmental credentials were not proven; expressed concern in relation to emissions from the biomass boilers, and said the proposed wind turbine technology was untried.
- (11) Mr Dunster, the applicant, spoke in support of the application. He stated that the proposal had clear spaces between buildings which would allow for daylight to reach residential properties to the north. The applicant had offered to amend the application to remove the wind turbines, but also stated that the turbines could be constructed and tested off site to satisfy the concerns raised by the Environmental Health Team. It was explained that the turbine speed could be controlled, and they would serve as a sculpture piece on the development. It was also noted that the proposals had developed over a period of four years, and the applicant had only recently been informed by the Council that the proposal was too bulky.

**Questions, Debate and Decision Making Process**

- (12) Councillor Farrow asked Councillor Pissaridou to explain her concerns in relation to the environmental credentials of the proposal. In response it was said that the effect of

burning wood pellets in the biomass boilers was unknown, and there was no on site storage for the wood pellets.

- (13) Councillor Carol Theobald asked Councillor Peltzer-Dunn what aspects of the consultation process he was not satisfied with, and it was explained that the exhibitions had related to different sites in the area, and different views had been expressed by residents.
- (14) Councillor Farrow asked the applicant how noisy the turbines were expected to be and if a study had been carried out. The applicant explained that the turbines speed could be set and restricted by the acoustic criteria; if they exceeding the limit they could be programmed to automatically slow down. It was expected the turbines would be 2dB above ambient. Councillor Farrow also asked further questions in relation to the emissions from the biomass boilers, and it was explained that a detailed report had been submitted to the Council, and Officers would have this technical information.
- (15) Councillor Bowden asked for more information on the turbines as the offer to remove them from the proposals suggested they were not integral to the scheme. In response it was explained that the amount of energy they could generate would depend on the amount of time they were able to run, but the applicant was confident they would be able to supply one third of the energy for the whole site. The scheme could be built without the turbines, but their inclusion would significantly reduce the 'carbon debt' of the development, and reduce the reliance on the biomass boilers.
- (16) Councillor Davey asked the applicant how the proposal could fit in with a master plan for Shoreham Port, and how it could potentially set a precedent for future applications. It was explained that the basin area was at risk from rising sea levels, and future proposals for the area between the development and the harbour could be low rise, similar development proposals were considered appropriate for the sites around the edge of the basin.
- (17) Councillor Carol Theobald asked if any tests had been undertaken on the proposed turbines given the close proximity to windows and balconies of the residential units, and it was explained that the turbines would be programmed to only spin at a constant speed. Councillor Carol Theobald went to ask about the parking arrangements on the site, and it was explained that there would be 85 spaces in total, with designated parking for residential and commercial use.
- (18) In response to a query from Councillor Davey the Senior Planning Officer highlighted the permission had been granted for the development of Britannia House which would be increased to four storeys in height, similar to the neighbouring pub.
- (19) Councillor Farrow followed up his earlier query and asked about the emissions from the biomass boilers, and Officers from Environmental Health explained that the levels of nitrogen oxide were not of concern; consequently, these levels confirmed that the boilers where not producing harmful emissions.
- (20) Councillor Summers made reference to the Shoreham Port master plan that stated mostly residential units were proposed on the site, and Officers were able to explain that the emerging planning policy framework had evolved the expectations for the site.

- (21) Councillor Farrow said that he was concerned with the potential environmental problems of the proposals and supported the Officer's recommendation.
- (22) Councillor Carol Theobald said that, although she favoured the proposed design, she felt it was too high and too dense. She went on to highlight that the properties to the north would be overlooked; noted her concerns in relation to parking, and stated she supported the Officer's recommendation.
- (23) Councillor Hamilton noted the proposal had many good features, but was in the wrong place and the bulk exceeded what was appropriate for this section of the Kingsway. He highlighted that, on balance, he supported the Officer's recommendation.
- (24) Councillor Davey noted there was merit in the design, and praised the mixed use approach of the development; he suggested a revised application could address many of the concerns of residents. He went on to add that there was the potential to use Shoreham Harbour as an 'eco-business centre', but he would be voting with the Officer's recommendation.
- (25) Councillor Summers agreed with Councillor Davey's comments in relation to an 'eco-business centre', but felt the amenity impact of local residents was a vital consideration for the Committee.
- (26) Councillor Bowden felt that the height and bulk of the proposed development would affect residents to the north, and for these reasons he would be voting with the Officer's recommendation.
- (27) Councillor Carden felt this was a missed opportunity for homes and jobs in the city, and would be voting with the Officer's recommendation.
- (28) A vote was taken and the 11 Members present voted unanimously that permission be refused.

**Note:** Councillor Hawtree was not present during the consideration and vote on this application.

146.1 **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 following reasons:

1. The applicant has failed to demonstrate that the site is an appropriate location for a tall building within the context of existing development to the north and south of the site, and emerging plans for future development at Aldrington Basin. The proposal is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.
2. The development by reason of its constant and unvarying height and massing would create a sense of bulk that would appear excessively out of scale and create a visually overbearing relationship with adjoining development to the north. The proposal is

therefore contrary to policies QD1, QD2 and QD4 of the Brighton & Hove Local Plan, and to the provisions of Supplementary Planning Guidance Note 15, Tall Buildings.

3. The application is not accompanied by a robust background noise survey which identifies the appropriate nearest sensitive receptors or a comprehensive acoustic report outlining the noise impact on agreed receptors. The development, in the absence of this information and suitable mitigation measures, has significant potential to expose future residents of the proposed development and neighbouring properties to excessive and unreasonable levels of noise.

The proposal would therefore be detrimental to residential amenity and is contrary to advice contained within Planning Policy Guidance 24 (Planning and Noise), Planning Policy Statement 22 (Renewable Energy) and its Companion Guide (Planning for Renewable Energy), the principles outlined in ETSU-R 97, and policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. The development, in the absence of sufficient justification for a development of this scale in this location, would result in a loss of light that would be both significant and harmful to living conditions for occupiers of neighbouring properties on Kingsway fronting the application site. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawings and information received on 2<sup>nd</sup> December 2010, 15<sup>th</sup> December 2010, 31<sup>st</sup> December 2010, 11<sup>th</sup> April 2011, 12<sup>th</sup> April 2011, 14<sup>th</sup> April 2011, 18<sup>th</sup> April 2011, 20<sup>th</sup> May 2011, 26<sup>th</sup> May 2011, 7<sup>th</sup> June 2011, 2<sup>nd</sup> August 2011, 5<sup>th</sup> August 2011, 17<sup>th</sup> August 2011, 30<sup>th</sup> August 2011 and 16<sup>th</sup> September 2011.
2. The applicant's attention is drawn to issues with respect to conflicting information contained in this submission.

**B. Application BH2011/03804, Land South of Sussex Police Building, Crowhurst Road, Brighton** – Construction of new two storey building for offices (B1) and storage & distribution (B8) and provision of associated parking and turning area.

- (1) The Senior Planning Officer, Aidan Thatcher, drew Members' attention to amended plans detailed on the late list and gave a presentation detailing the scheme as set in the report by reference to plans, photographs and elevational drawings. The application was for the development of a vacant piece of land for offices and storage, and the site was located in an allocated employment area with surrounding commercial buildings. The applicant was a city based company, with various sites across the city, and the proposal would form a new headquarters; the scheme also included vehicular and cycle parking and landscaping.
- (2) The proposal was similar in scale and height to the surrounding buildings, and considered appropriate for the context. There would be 36 parking spaces on the site, six of which would be for disabled use, and an acceptable level of cycling parking. No adverse impact of the local highway network had been identified; conditions were recommended to ensure the proposal met BREEAM ratings and a condition had been proposed that 15% of the labour used during construction be local. The application

was minded for approval subject to the conditions set out in the report and the amended condition 2 on the late list.

### **Questions, Debate and Decision Making Process**

- (3) Councillor Hyde commented that the application was positive as it proposed to develop an empty site and would allow a local business to invest in the city.
- (4) Councillor Carol Theobald welcomed the development of an unused site and the additional employment created.
- (5) A vote was taken and the 12 Members present voted unanimously that permission be granted on the grounds set out below.

146.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves that it is **MINDED TO GRANT** planning permission subject to the completion of a s106 Agreement and the Conditions and Informatives set out in the report.

### **C. Application BH2011/03762, Units 8-9 Centenary Industrial Estate, Hughes Road, Brighton** – Change of use from storage and distribution (B8) to light industrial (B1).

- (1) The Deputy Development Control Manager, Paul Vidler, gave a presentation detailing the application as set out in the report by reference to photographs and plans. The application was for a change of use from B8 to B1; the applicant currently operated from the building opposite and was seeking to expand the business to allow for an extra 22 off site staff. The application was recommended for approval for the reasons set out in the report.

### **Questions, Debate and Decision Making Process**

- (2) Councillor Bowden noted his support for the application as it was appropriate to the location and encouraged employment in the city.
- (3) A vote was taken and the 12 Members present voted unanimously that permission be granted.

146.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

### **D. Application BH2011/03421, Ovingdean Hall College, Greenways, Brighton** - Demolition of existing art block, mower store and part of pool building and construction of new student accommodation buildings providing 78 en-suite bedrooms, incorporating the conversion of existing gymnasium. Associated minor internal and external alterations, associated landscaping proposals and minor alterations to listed garden wall.



- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Deputy Development Control Manager drew Members' attention to additional information in the late list and noted that the description of the listed building consent should reference demolition of part of the swimming pool. A presentation was given detailing the scheme as set out in the planning application (BH2011/03421) and listed building consent (BH2011/03422) reports by reference to photographs, plans, drawings and material samples. The applications were on a large site that included Ovingdean Hall, a grade 2 listed building that had been extended over a period of many years. The proposals involved the demolition of three areas, a series of landscaping work and the relocation of the main car park to improve the setting of the listed building.
- (3) The site was currently a language school, and the proposed extensions would provide 78 en-suite rooms for students, with four of these fitted for disabled use. At the western side of the site there was a listed flint wall and the proposals sought a small opening with appropriate detailing. The proposed extensions were set well away from the listed building, and a site management plan had been recommended. The applications for planning permission and listed building consent were recommended for approval subject to the conditions and informatives set out in the report.

#### **Questions, Debate and Decision Making Process**

- (4) Councillor Carden ask what provision would be made for the equipment that was currently stored in the mower store, and it was explained that there was adequate storage elsewhere on site.
- (5) Councillor Hawtree asked a question in relation to the 'investigation of solar panels' outlined in the report, and it was explained that Officers were satisfied the application met the BREEAM standard without the inclusion of solar panels.
- (6) Councillor Hyde noted that concern had been raised in relation to potential noise nuisance from the students on site, but went on to highlight that she welcomed the application as it ensured the listed building could continue to function as business. She noted her concerns in relation the materials used for the roof, and these comments were echoed by Councillor Hawtree.
- (7) A vote was taken and planning permission was granted on a vote of 11 to 1.

146.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolved to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

**E. Application BH2011/03422, Ovingdean Hall College, Greenways, Brighton –** Minor internal and external alterations, and minor alterations to listed garden wall.

- (1) A vote was taken and listed building consent was granted on a vote of 11 to 1.

146.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolves to **GRANT** listed building consent permission subject to the Conditions and Informatives set out in the report.

(ii) **MINOR APPLICATIONS**

F. **Application BH2011/03398, Flat 4, 4 Montpelier Terrace** – Creation of additional storey to first floor flat to rear.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Adrian Smith, gave a presentation detailing the application for planning permission (BH2011/03398) and listed building consent (BH2011/03397) as set in the reports by reference to photographs, plans and drawings. The application sought to raise the roof of the existing first floor bedsit by 2 metres to create a one/two bedroom flat. In regards to the listed building consent the application was considered acceptable as it would not impact upon the conservation area; however, amenity was the primary concern of the planning application.
- (3) Both the Council and the applicant had undertaken daylight studies with similar results, but drawn different conclusions; the applicant had sought to address the amenity issues by removing the slope of a section of the roof, but Officers felt this would have an adverse impact on the listed building. Officers were also concerned about the sense of enclosure and bulk of the proposed extension. The application for planning permission was recommended for refusal, and the application for listed building consent was recommended for approval for the reasons set out in the report.

**Public Speakers**

- (4) Mr King, a local resident, spoke in objection to the application. He stated that a similar application had been withdrawn in 2010, and he opposed the application due to the loss of sunlight to his property and the negative impact on outlook and privacy. He acknowledged that the area at the rear of the property was already poorly lit, but went on to explain that residents had commissioned a physical light reading study to demonstrate the increased loss of light the extension would create.
- (5) Mr McKenney, the agent for the applicant, spoke in support of the application. He stated that the proposed development was generally acceptable, and the main objection was in relation to the amenity. The assessment of the potential impact had been carried out using approved methods, and the study had demonstrated that there was no significant impact as a minimal amount of light already reached the bottom of the light well, and the daylight to the basement was already below the British standard.

**Questions, Debate and Decision Making Process**

- (6) In response to a query from Councillor Carol Theobald it was explained that the effected window of Mr King's Property was a second bedroom/office.

- (7) Councillor Bowden asked the applicant's agent what the worst loss of sunlight was to the basement flat, and it was confirmed this was 14%. The applicant's agent went to confirm the standard method considered a 20% loss of light, or greater, unacceptable.
- (8) Councillor Davey asked if the applicant had undertaken a desktop study, and it was confirmed that this was the case.
- (9) In response to a query from Councillor Hyde it was confirmed that the loss of light to Mr King's window would be 9%.
- (10) The Planning Officer explained that although the lose of light was below 20% it was not considered acceptable as the levels of light were already very low to begin with; he also highlighted the sense of bulk and enclosure that would be created by the proposed extensions.
- (11) Councillor Bowden highlighted the low level of light noted by Members during the site visit.
- (12) Councillor Hyde stated her view that differences in light levels, if the application was granted, were unacceptable.
- (13) Councillor Davey commented that the report was clear on the reason for refusal of the planning application, and he would be voting with the Officer recommendation.
- (14) Councillor Wells stated his view that the basement courtyard already had sufficient light, and felt that as bedrooms were affected the impact was less significant. He went on to say that a one or two bedroom property was more desirable than a bedsit, and, as such, he would be voting against the Officer recommendation to refuse planning permission.
- (15) Councillor Carol Theobald said that the rear of the property was already north facing, and the impact would not be significant; for these reasons she would be voting against the Officer recommendation to refuse planning permission.
- (16) The Head of Development Control highlighted that the application for listed building consent related only to the character of the building.
- (17) On a vote of 9 to 2 with 1 abstention planning permission was refused.

146.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out below and resolves to **REFUSE** planning permission for the following reason:

1. Policy QD27 of the Brighton & Hove Local Plan seeks to protect the residential amenity of neighbouring properties. Notwithstanding the improved standard of residential accommodation that would result from this proposal, the proposed additional storey would result in significant harm to the amenities of the residential properties to the rear of Nos 3 & 4 Montpelier Terrace by virtue of enclosing their outlook and further reducing their existing poor levels of natural daylight. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the site plan, block plan, daylight and sunlight assessment and drawing no. 02 received on the 4<sup>th</sup> November 2011; the design and access statement and heritage statement received on the 16<sup>th</sup> November 2011; and drawing no 04B received on the 11<sup>th</sup> January 2011, and drawing nos. 01C and 03A received on the 25<sup>th</sup> January 2012.

**G. Application BH2011/03397, Flat 4, 4 Montpelier Terrace, Brighton** – Creation of additional storey to first floor flat to rear.

- (1) On a vote of 11 to 1 listed building consent was granted.

146.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives set out in the report.

**H. Application BH2011/02955, 8 Plainfields Avenue, Brighton** – Erection of single storey rear extension and relocation of existing garage (retrospective).

- (1) The Deputy Development Control Manager gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings. Planning permission had been granted in 2011 for the relocation of the garage to abut the existing garage of the neighbouring property and a single storey extension to replace a glass conservatory. The extension had been built to the correct footprint but the height of the roof was 200mm higher than what had been granted. The application sought to regularise the arrangements, and the two raised roof lights shown in the photographs would be removed to give a flush finish to the extension. The application was recommended for approval for the reasons set out in the report.

### **Public Speakers**

- (2) Ms Bradford spoke in objection to the application. She explained she was speaking on behalf of Ms Bristow who had lived at the adjoining property for 35 years; it was highlighted that the actual height of extension was higher than the eaves of the bungalow and impacted on the amenity of sunlight into Ms Bristow property. It was requested that the height of the extension be lowered to that of the original planning permission, the finish be rendered white and the roof lights be made flush.
- (3) Councillor Geoffrey Theobald spoke in his capacity as the local Ward Councillor setting out his objections to the application. He stated that if a mistake had been made in the building of the extension it could be rectified, and he highlighted that the report stated the extension was poorly detailed in terms of design, and he felt the extension should be completed in accordance with the original planning permission.
- (4) Mr Hernandez spoke in support of the application. He stated that he was speaking on behalf his father who was the applicant and owner of the property, and went on to say the extension offered neighbours more privacy than the glass conservatory that it had

replaced and the roof lights had been removed from the application. The extension was typical of others in the area, and other larger extensions had been approved. He noted his disappointment that the situation had not been resolved through discussion between both his parents and Ms Bristow.

**Questions, Debate and Decision Making Process**

- (5) In response to a query from Councillor Carol Theobald Ms Bristow explained that she believed that the original Planning Permission had conditioned that the roof lights be flush.
- (6) Councillor Summers asked if there was a reason why the extension was built higher than the original planning permission, and it was explained that the applicant was not aware of the deviation from the original planning permission until it was raised by the builders. The change had been necessary to ensure there was no change in floor level between the existing building and the new extension. In a response to a question from Councillor Hyde it was explained that the architect advised that it would be necessary to submit a new planning application.
- (7) Councillor Hawtree asked if there would still be step down from the extension into the garden, and it was confirmed that this would be the case.
- (8) The Head of Development Control and the Senior Lawyer highlighted the applicant was within their legal rights to submit a retrospective planning application, and the behaviour of the builder or architect was something the Committee could not give weight to when making a decision.
- (9) The Deputy Development Control Manager explained that the roof lights had formed part of the original planning application, but had been removed from this application.
- (10) Councillor Farrow asked about enforcement action in relation to the extension, and the Head of Development Control explained that the previous application had been a delegated decision, and a discussion had taken place with the Enforcement Team; however, the applicant was within their legal rights to submit a retrospective application.
- (11) Councillor Hyde asked if Officers would consider the scheme appropriate if this was a new application, and it was explained that this would be the case. The recommendation to grant would be consistent regardless of the retrospective nature of the application as there were limited views of the extension.
- (12) The Deputy Development Control Manager highlighted that both the original application and the new application included conditions that the finished extension should match the white rendered finish of the parent building.
- (13) Councillor Carol Theobald asked for clarity on the amount of glazing to the rear of the extension on the original application. She went on to state that the extension should be built in accordance with the original planning application.

- (14) Councillor Hawtree highlighted the lack of harmony between the extension and the existing building.
- (15) Councillor Summers noted that, although the Committee may not like how the extension looked, from reading the report it seemed there was no firm planning grounds that the application could be refused on. The Head of Development Control stated that interrogation of the design of the scheme would have to be at the decision of the Committee.
- (16) A vote was taken of the twelve Members present, and planning permission was granted on a vote of 6 to 6 on the Chair's casting vote.
- 146.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.
- I. Application BH2011/03629, 21 Dyke Road Avenue, Hove** – Erection of porch extension of front, single storey side and rear extension and balcony area above existing rear conservatory.
- 146.9 **RESOLVED** – That consideration of the above application be deferred pending a site visit.
- J. Application BH2011/02845, 150 Ladies Mile Road, Brighton** – demolition of garage and out building in garden to north side of existing bungalow and erection of new two storey detached dwelling.
- 146.10 **RESOLVED** – That consideration of the above application be deferred pending a site visit.
- K. Application, BH2011/02889, 145 Vale Avenue, Brighton** – Outline application for 9 no. residential units and approval of reserved matter for access only.
- (1) The Deputy Development Control Manager drew Members' attention to the late list, and gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings. The application was for outline planning permission for nine residential units; the site currently contained a single storey building and tarmac parking, and a previous planning application for this site had lapsed. The former Brethren's meeting room had relocated within 10 miles, as part of the Section 106 Agreement, and it was noted there were a number of tree preservation order (TPO) trees on site. The application was recommended for approval for the reasons set out in the report.
- (2) A vote was taken and the 12 Members present voted unanimously that permission be granted.
- 146.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in section 7 of

the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

**L. Application, BH2011/02687, 13-15 Old Steine, Brighton** – Conversion of first and second floors from vacant office space to form 6 no. flats and formation of additional level to form penthouse flat incorporating roof terraces, revised access and associated works.

(1) The Deputy Development Control Manager gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings, and it was proposed that Condition 6 be removed from the recommendation as the cycle parking was shown on the drawings and covered by Condition 12. The application sought to convert the first and second floor offices to flats and create an additional floor set back from the parapet; the necessary marketing had taken place, and the property had been empty since 2005. The modern design was considered appropriate as the extension was set back, and the application was recommended for approval for the reasons set out in the report.

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(2) Councillor Carol Theobald asked why the windows on the proposed extension did not mirror the design of those on the existing building, and it was explained that the design was acceptable as there was an appropriate degree of separation, and the window openings of the extension aligned with the existing building.

(3) In response to a query for Councillor Bowden in relation to soundproofing it was explained that condition 7 of the Officers recommendation addressed this issue and there had been extensive involvement from Officers in Environmental Health. The Head of Development Control suggested that the condition could be strengthened with an appropriate informative, and Councillor Bowden agreed that this was acceptable.

(4) Councillor Bowden also asked if the lift would be suitable for disabled access, and it was confirmed that this matter could be raised with the applicant.

(5) Councillor Cobb and Councillor Hyde had queries in relation to layout of the flats and the position of the extension, Officers clarified these using the plans and drawings.

(6) Councillor Hawtree asked what consideration had been made for the long view of the building across the Old Steine. It was explained that such considerations had been made and Officers felt the extension was appropriate in the context of the surrounding buildings.

(7) Officers confirmed there would be no requirement for Section 106 contributions as part of the application.

(8) Councillor Hawtree said that he did not feel the extension would be appropriate in the context of the surrounding buildings.

- (9) Councillor Bowden thanked Officers for the proposal of an informative in relation to the noise condition, and stated that the provision of additional residential units was welcome in the Ward.
  - (10) Councillor Carol Theobald noted her objections in relation to the extension; stating it would be very visible.
  - (11) Planning permission was granted on a vote of 9 to 3.
- 146.12 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report, and the additional informatives set out below
- 1. The applicant is advised that the scheme of soundproofing submitted in order to discharge Condition 6 shall include measures which address noise from street level and activities on the ground floor of the property
  - 2. The applicant is advised that appropriate access, including size of lift, should be provided to the residential units on the upper floor for disabled persons

**M. Application BH2011/03643, Land to rear of 64-65 Upper Gloucester Road, Brighton** – Erection of 5no three storey, 3no bedroom houses.

- (1) The Senior Planning Officer, Aidan Thatcher, gave a presentation detailing the application for planning permission (BH2011/03643) and conservation area consent (BH2011/03644) as set in the reports by reference to plans and drawings. The site was in the West Hill conservation area; it was noted the site was currently vacant, and there was a difference between the ground floor levels at St. Nicholas Road and Centurion Road. The application sought minor improvements to a previous scheme and proposed an increase in the quality of the materials. The principles of the design, height, scale and massing had already been deemed acceptable.
- (2) The proposed buildings were 3 storeys and accessed by St. Nicholas Road, but would not appear as a terrace at the St Nicholas Road level. The site was in a CPZ, and each property would have adequate cycle parking, and objections from the Sustainable Transport Team had been satisfied by the widening of the St. Nicholas Road pavement. The application for conservation area consent sought the removal of the non-structural boundary wall, and it was considered the wall had no visual merit and would not harm the character of the street scene. The application was recommended for approval for the reasons set out in the report.

**Questions, Debate and Decision Making Process**

- (3) In response to a query from Councillor Carol Theobald it was confirmed that the entrance level at St. Nicholas Street contained a single bedroom/study with an ensuite.
- (4) The twelve Members present voted unanimously that planning permission be granted.



146.13 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

**N. Application BH2011/03644, Land to the rear of 64-65 Upper Gloucester Road, Brighton** – Demolition of boundary wall.

(1) The twelve Members present voted unanimously that conservation area consent be granted.

146.14 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolves to **GRANT** conservation area subject to the Conditions and Informatives set out in the report.

**O. Application BH2011/03323, 24 Wakefield Road, Brighton** – Erection of detached two storey out building.

(1) The Deputy Development Control Manager drew Members' attention to items on the late list, and gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings. The site was in the Round Hill conservation area, and part of a property with an extensive rear garden. The application proposed a 2 storey outbuilding in the corner of the site close to the property at 14 Wakefield Road built as an 'earth ship' from recycled materials. Officers had concerns in relation to the amount of information and the quality of the plans provided by the applicant; the drawings did not show how the building was accessed from the garden and did not provide enough information on the solar panels. The footprint of the proposed building was also considered too large in the context of the conservation area, and it was considered that the building would have an adverse effect on the amenity of 14 Wakefield Road. The application was recommendation for refusal.

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(2) Councillor Farrow asked Officers to reiterate the reasons for the recommendation to refuse, and commented that there should have been greater dialogue between the applicant and Officers to obtain the necessary information.

(3) Councillor Davey asked that the purpose of the building be clarified, and it was explained that the ground floor would be an office with a studio of the first floor. It was also confirmed that any change of use to the building would require a new planning application.

(4) In response to a query from Councillor Wells it was explained that the drain layout was not shown on the drawings.

(5) Councillor Farrow highlighted that he approved of the proposed building in the context of the large garden, and reiterated his earlier comments in relation to discussions between Officers and the applicant.

- (6) Councillor Hyde explained that the site had historically been an orchard, and noted her objections to buildings on such green sites stating that she would be voting in accordance with the Officer recommendation. Councillor Hawtree noted his agreement with these comments.
- (7) The Deputy Development Control Manager highlighted that an application for housing on a similar nearby plot was refused in 2006.
- (8) Planning permission was refused on a vote 10 to 2.

146.15 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons.

- 1. The submitted plans fail to show exactly how the building would be accessed from the garden, the inclusion of solar panels as referred to in the submitted Design and Access Statement, the grading of the adjacent slope, the relationship of the proposal with the existing southern boundary wall and how materials and waste will be brought into/removed from the site. In addition there are discrepancies between the facilities stated to be provided on the proposed floor plans and those stated within the Design and Access Statement submitted. Such issues need to be clarified for the Local Planning Authority to fully assess the scheme. The submitted documentation fails to demonstrate a thorough understanding and assessment of the proposed scheme.
- 2. Notwithstanding reason for refusal 1, the proposed development, by virtue of its excessive footprint and scale, will erode the green and open character of the related green space, will have a harmful impact on the overall layout and design of the area, which includes the Round Hill Conservation Area and would have a harmful impact upon the distinctive layout and predominance of green space seen in longer views of the area. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
- 3. The applicant has failed to demonstrate that the proposed development would not have significant adverse impacts upon the amenities of the occupiers of no. 14 Wakefield Road with regards to loss of light/sunlight, outlook or loss of privacy and overlooking. The proposal is therefore contrary to policy QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

- 1. This decision is based on drawing nos. 343/1, 343/2, 343/3, 343/4, 43/5 and 343/6 received on the 31<sup>st</sup> October 2011.

**P. Application BH2011/03784, Ketts Ridge, Ovingdean Road, Brighton** – Alterations to existing dwelling house incorporating a redesigned first floor level and rebuilding of the roof.

- (1) The Deputy Development Control Manager gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings. The property was a detached dwelling on the north side of Ovingdean Road, and the application

sought amendments to planning permission granted in November 2010; these included minor changes to the positions of windows and doors. The application was recommended for approval for the reasons set out in the report.

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(2) In relation to a query from Councillor Hawtree Officers confirmed the type and location of the proposed balconies. Councillor Hawtree also noted his opinion that the original design of the building sat more appropriately in the context of the surrounding hillside.

(3) Of the eleven Members present it was agreed unanimously that planning permission be granted.

146.16 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

**Note:** Councillor Bowden was not present for the consideration and vote on this application.

**147. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY THE LOCAL PLANNING AUTHORITY INCLUDING DELEGATED DECISIONS**

147.1 **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.]

**148. 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**

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

Application:	Requested by:
BH2011/03629 21 Dyke Road Avenue	Councillor Hyde

BH2011/02845 150 Ladies Miles Road	Councillor Carol Theobald
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The meeting concluded at 17.55

Signed

Chair

Dated this

day of