

PLANNING COMMITTEE

Agenda Item 173

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 4 APRIL 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Officers in attendance: Jeanette Walsh, Head of Development Control; Hilary Woodward, Senior Lawyer; Nicola Hurley, Area Planning Manager (West); Claire Burnett, Area Planning Manager (East); Aidan Thatcher, Senior Planning Officer; Peter Tolson, Sustainable Transport; Ross Keatley, Democratic Services Officer.

PART ONE

160. MINUTES OF THE PREVIOUS MEETING

161.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 14 March 2012 as a correct record.

161. CHAIR'S COMMUNICATIONS

162.1 The Chair explained that applications BH2010/03696 & BH2010/03717 6-8 St James's Street had been deferred to the following meeting to allow Officers to undertake further consultation in relation to recent publication of the National Planning Policy Framework (NPPF).

162. FORMER NURSES ACCOMMODATION, BRIGHTON GENERAL HOSPITAL, PANKHURST ROAD, BRIGHTON : REQUEST FOR A VARIATION OF S106 DATED 9 AUGUST 2010, SIGNED IN ASSOCIATION WITH BH2010/01054

163.1 The Committee considered a report regarding a request for a variation of the Section 106 Agreement signed in association with planning permission reference BH2010/01054: Former Nurses Accommodation, Brighton General Hospital, Pankhurst Road, Brighton.

- 163.2 The Senior Planning Officer, Aidan Thatcher, introduced the item, and highlighted an additional response on the Late List received from the Housing Commissioning Team. The application was seeking consent to vary the S106 Agreement; the site had been cleared in preparation for the commencement of works for a mixed use development of housing, employment and community facilities. The applicant was requesting that the agreed 80% affordable housing be reduced to 40% to ensure the scheme remained financially viable. The original allocation figure had been agreed as a larger application site was expected to come forward, and the 40% was considered acceptable due to the smaller size of the site and the provision of community facilities. The proposed amendments to the agreement would also include the provision of public art within the scheme equating to £55k and agreement that a minimum 20% of the labour force be local. The request to vary the S106 Planning Obligation was recommended for approval.
- 163.3 In response to a query from Councillor Hawtree Officers explained that since revisiting the S106 Agreement with the applicant they had sought to bring the scheme forward without reducing the funding in the agreement; consequently the reduction in the level of affordable housing was considered the appropriate way to achieve this.
- 163.4 Councillor Carden noted his concern in relation to the reduction in the level of affordable and social housing. Councillor Hyde noted that she agreed with Councillor Carden's comment in principle; however, the original 80% figure had been an aspiration and part of a much larger scheme. She was satisfied that the scheme complied with the relevant policies and it was important that work on the site progress. Councillor Farrow also agreed with Councillor Carden's comments and stated his view that the developer should commit to the earlier agreed figure of 80%. The Head of Development Control, Jeanette Walsh, highlighted the comments in support of the variation from the Housing Commissioning Team, and stated the developer and applicant was a registered housing provider.
- 163.5 Councillor Bowden asked if Officers had considered increasing the level of local employment on the site. In response it was explained that the figure proposed was already above the 15% figure that would be considered if this were a new application.
- 163.6 On a vote of 10 to 2 the proposed variation to the S106 Agreement was agreed.
- 163.7 **RESOLVED** – That the Committee resolves to allow the completion of a deed of variation to the S106 Agreement dated 9 August 2010 relating to land at Former Nurses Accommodation, Brighton General Hospital, Pankhurst Road, in accordance with the proposed heads of terms set out in section 8 of the report.

163. APPEAL DECISIONS

- 164.1 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.

164. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

165. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

166. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

Application:	Requested by:
BH2012/00384 Former Falmer High School Lucraft Road	Jeanette Walsh; Head of Development Control
BH2011/03861 American Express Community Stadium Vilage Way	Jeanette Walsh; Head of Development Control

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

(i) Major Applications

A. A - BH2012-00114 Park House Old Shoreham Rd - Demolition of former residential language school and erection of 5 storey block of 71 flats incorporating basement car park and surface car parking to provide 71 parking spaces, including landscaping and other associated works.

(1) It was noted that this application had formed the subject of a site visit prior to the meeting.

(2) The Area Planning Manager (West), Nicola Hurley, drew Members’ attention to items listed on the late list and gave a presentation detailing the scheme as set out in the report by reference to plans, photographs, elevational drawings and concept images. The site had been the subject of previous applications, in 2008 & 2009, which had both been refused and subsequently dismissed at appeal; the appeal decisions had not raised issue with the footprint or bulk of the building, but stated that the design of the attic storey was in poor relation to the rest of the proposals. Since the dismissal of the

2009 application the Council had adopted a planning brief which was referred to in the report. Planning permission was sought for the demolition of the existing buildings on site, and the construction of a five storey building with 71 units; 30 of which would be affordable housing; the site would also have 71 car parking spaces and 126 cycle parking spaces.

- (3) The design of the proposed development had been deemed acceptable by the Planning Inspector in principle, who had not referred to density in the dismissal of the appeal of the 2009 application, and both the height and setback were in accordance with the planning brief. The scheme proposed a second vehicular access point from Goldstone Crescent; and was committed to meeting code level 4 for sustainable homes. In relation to ecology it was explained that there were badgers on the site; however, the current proposals would not interfere with the habitat, and the demolition would take place outside of the badger breeding season. There were 33 trees to be felled on site, but this would be mitigated by additional planting which was considered acceptable. The application was recommended to be minded to grant subject to the S106 Agreement and for the reasons set out in the report.

Public Speakers and Questions

- (4) Mr D. Barker, a local resident, spoke in objection to the application stating that there was still local opposition to the scheme. The proposals were not significantly different, and only included the provision of an underground car park, and a reduction in the number of units by one. The proposals were not screened and would be highly visible from Hove Park opposite; furthermore the balconies facing out onto Old Shoreham Road would be unusable. Mr Barker also stated his belief that there unresolved right of way issues, and there would be a loss of parking facilities for local residents.
- (5) Councillor Hawtree asked for further information on why Mr Barker felt the balconies would be unusable, and it was explained that residents with front gardens facing Old Shoreham Road were not able to use them due to the traffic noise.
- (6) Councillor Hawtree also asked a further question in relation to the proposed material of the development, and in response Mr Barker said that the yellow brick was not an appropriate choice for the development.
- (7) Councillor Davey and Councillor Bowden asked questions in relation to the loss of parking. It was explained that local residents had been using Hove Park Gardens for parking in excess of 20 years, and it was his opinion that this constituted established use. The Head of Development Control highlighted that the parking arrangements would be private matter for the landowner and local residents, and was not something the Committee should give any weight to in their decision. Officers also clarified that there was a bridleway adjacent to the application site, but the proposals did not affect it.
- (8) Councillor Brown spoke in her capacity as the Local Ward Councillor, and stated that despite improvements to the number of parking spaces there were still a number of local objections to the scheme. The proposals were an over-developed of the site which was in a popular recreational area, and the scheme was too dominating and too close to the road. The proposed density was much higher than the neighbouring flats;

206 dwellings per hectare (dph) compared with 70dph, and there was little room for adequate gardens and tree space. The proposed new entrance on Goldstone Crescent was too close to the busy junction with Old Shoreham Road where traffic often stacked during busier times, and there would be a detrimental effect on local parking and local infrastructure. Reference was also made to comments from Southern Water in relation to the inadequate capacity in the local network.

- (9) Councillor Hawtree asked for clarification on Councillor Brown's objection to traffic around the site, and it was explained that that she felt the entrance on Goldstone Crescent would be too close to the junction with Old Shoreham Road; however, she noted that the lack of parking on previous applications had been addressed in this latest application.
- (10) Councillor Bowden asked what level of density would be appropriate, and in response Councillor Brown stated that she felt something closer to the 70dph of the neighbouring buildings would be more acceptable.
- (11) Mr T. Shaw, the agent for the applicant, spoke in support of the application, and stated that the developers were fully aware of the local strength of feeling in relation to the site and the application, and the proposals had been the subject of extensive discussion, particularly with Natural England and qualified ecologists in relation to the badger habitats; if planning permission was granted a formal licence application would follow to Natural England. The developers wanted to ensure the site could be bought back into use, but were committed to protecting the wildlife. The scheme had been supported by the Southeast Regional Design Panel and Hove Civic Society and been recommended for approval by Planning Officers, and this was a testament to high standard and quality of the design.
- (12) Councillor Carden expressed his concerns in relation to the protection of the badger habitat on the site, and the applicant's ecologist, Mr J Newton, explained that steps would be taken to not disturb the existing habitat, and a sanctuary area would be created. Councillor Farrow also asked for more information on the sanctuary arrangements and it was explained there would be a protected area to the north side to allow the badgers to move between the green spaces. A small amount of work would need to be undertaken to demolish a derelict shed near the badger set, and some work would be carried out to ensure building works did not disturb tunnels.
- (13) Councillor Hawtree asked for more information on how the design had evolved since the previous application and how its relation to the local area had been addressed. It was explained that the design had been through a process of change and consultation and now included additional balconies and gardens; one of the car parks was now below ground and the building was set back further from the road. The materials had been changed to predominantly brickwork, and changes had been made to move the design closer to the planning brief.
- (14) In response to queries from Councillor Bowden it was explained that approximately 60 local residents had attended the public consultation; the developers had taken on some of the views expressed and this was reflected in the predominant use of brick and changes to the roof design. At the public exhibition the levels of density had been highlighted and the developers had explained that the Planning Inspectorate had not

raised objection the bulk and density; the applicant also expressed that the figure of 206dph hectare could be misleading as the proposals made efficient use of the land in a considerate way that did harm the quality of living for the existing neighbours. In terms of the potential impact locally of the development the applicant highlighted the breakdown of the proposed S106 Agreement, and noted that their civil engineer had deemed the potential effect on the local highway network minimal.

- (15) Councillor Hyde asked how the proposed development reflected the planning brief in relation to the bulk and mass. In response it was explained that the brief talked about a generalised height line, and it would still be possible to see buildings behind the development from across Hove Park, and the proposal was only one storey difference in height to the neighbouring flats.
- (16) Councillor Summers and Councillor Bowden asked questions in relation to the rationale behind a development of five storeys, and if this related specifically to the viability of the scheme. In response it was explained that the applicant had discussed the height with Officers and it was considered that five storeys was acceptable in principle and would not harm the street scene. The applicant went on to state that it was felt the design stood on its own merits and did not need to be justified on the basis of viability; furthermore, the parking needs and the impact on the local infrastructure would be addressed through the S106 Agreement.
- (17) Councillor Davey asked for further information on how the applicant had sought to address the inspector's decision to uphold the previous refusal of the scheme. It was explained that work had been undertaken to address the design of the roof. Following a further question from Councillor Davey it was explained that a code level 4 for sustainability would be achieved on the site.

Questions for Officers, Debate and Decision Making Process

- (18) Councillor Farrow asked for further information in relation to the badger sets on the site, and it was explained that there was no objection from the Ecologist, as set out in the report, and the recommendation included a condition in relation to the badger set. The Senior Lawyer, Hilary Woodward, also explained that it was a legal requirement for the developers to have a licence from Natural England before commencement of works.
- (19) Councillor Cobb asked questions in relation to the funding for open spaces, and the current capacity of both Hove Park and Hove Recreational Ground. It was explained that £180k would be allocated for use in both these sites, and there were no objections from the Policy Team.
- (20) Councillor Carol Theobald asked for confirmation on the distance from the site entrance on Goldstone Crescent to the junction with Old Shoreham Road, it was clarified that this distance was 25 metres.
- (21) Councillor Hawtree asked for more information on why the site proposed such a high number of parking and cycle spaces. In response Officers explained that the planning brief had been prepared after a public inquiry, and comments had been incorporated in

the context of local and national policy; it was also confirmed that Officers did not set levels of parking, but rather tried to ensure they were in line with national guidance.

- (22) In response to a query from Councillor Hyde it was explained that 33 trees were to be felled on the site and 12 new ones were to be planted; however, it was expected that the new trees would be mature and of better quality than the existing ones.
- (23) Councillor Davey enquired about the parking arrangements on the site and it was explained that there was mixture of lower-ground and ground floor spaces with secure cycle parking, and all parking spaces would have an electric charging point.
- (24) Councillor Hawtree felt that more could work could have been done at the design stage to produce a sensitive modern design and something of 'architectural interest', but he did not object to the number of units on the site.
- (25) Councillor Carol Theobald stated that the proposals were an improvement from the last scheme, but noted she still had concerns in relation to the loss of the existing villa on the site and the height, bulk and density. She went on to state that she was pleased with the level of car parking on the site, but felt that that the level of contribution through the S106 Agreement was excessive.
- (26) Councillor Farrow expressed his concern that similar applications had already been refused twice on the site, and he was still not satisfied with the proposed design; however, he would support the scheme due the number of housing units it would provide.
- (27) Councillor Davey noted that the design was much improved from the previous schemes and the principles of the scheme had already been deemed acceptable by the inspector; and he would support the Officer's recommendation as he felt that there was little justification for refusal.
- (28) Councillor Hyde agreed with the comments made by Councillor Davey, and suggested that there should be more trees proposed at the front of the development.
- (29) Councillor Carden noted his general support for the scheme, but stressed that it was important the badgers on site were protected.
- (30) On a vote of 6 to 4 with 2 abstentions planning permission was granted.

169.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves 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.

B. B - BH2011/03743 Woodingdean Business Park - Application for a variation of condition 25 of application BH2011/00362 to allow HGVs (with the exception of articulated vehicles) to enter the site and service the units.

(1) The Senior Planner, Aidan Thatcher, gave a presentation detailing the proposals by reference to plans and photographs. The application related to phase 4 of the business

park which formed the southern boundary of the site, and it sought to vary condition 25 to allow HGVs to service the units, with the exception of articulated HGVs which would still be restricted as it was felt they would have trouble entering and exiting the site. There were no objections from the Sustainable Transport Team and the applicant had provided trucking plans. The site shared a boundary with residential units, but there was already a high level acoustic fence in situ and it was felt there would not be any additional noise or amenity impact. The application was recommended for approval.

Questions for Officers, Debate and Decision Making Process

- (2) Councillor Hawtree asked if there was an estimate on the number of additional HGVs that would enter the site. It was explained that Officers did not have this information, but as the units were small it was unlikely they would be serviced by HGVs.
- (3) Councillor Farrow raised concerns in relation to the potential danger to nearby residents of additional HGVs using the site. In response it was highlighted that the variation was for a very modest change, and HGVs were already able to enter the wider site. Councillor Wells stated that as a local Ward Councillor he had received no objections or concerns from residents in relation to the scheme, and he would support it. Councillor Farrow reiterated his earlier concerns and stated he would not support the application.
- (4) Councillor Hyde stated that she welcomed the potential for additional job opportunities in the city, and she would support the application.
- (5) On a vote of 10 in favour with 2 abstentions the variation to the condition was granted.

169.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

(ii) Minor Comments

C. C - BH2011/03509 7 Elm Close - Erection of 1no five bedroom house. (part-retrospective)

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), Nicola Hurley, drew Members attention to additional comments in the Late List and gave a report detailing the scheme by reference to plans, elevational drawings and photographs. The original application had been granted in June 2008, and the works had been completed with changes to the original permission; the application sought to retain these changes with the exception of the first floor window. There were also changes to materials and the timber details and chimney had not been included in the build. The window at the rear would be changed and replaced with a smaller one, and the application included a condition that it be obscurely glazed. The Juliet balcony on the ground floor level had been deemed

acceptable, but would also be obscurely glazed. The application was recommended for approval.

Public Speakers and Questions

- (3) Mr A Jeffers, a local resident, spoke in objection to the application and explained that what had been built was a significant deviation from the original planning permission; the doors on the rear of the property would create a loss of privacy to neighbours, and the proposals did not prevent the doors and windows on the rear of the property from being opened. The failure to install the timber detailing and the chimney made the property 'unsightly' and not in-keeping with neighbouring properties.
- (4) Councillor Brown spoke in her capacity as the Local Ward Councillor and stated that both she and Councillor Bennett were dissatisfied with the application and the Officer's recommendation. She went on to say that it was her belief the rear windows were originally conditioned to be fixed shut, and the windows that had been installed were too large. Elm Close was situated on higher ground than neighbouring properties, and, as such, this increased the problems in relation to over-looking. She noted that the tiled detailing and chimney had not been included, and asked that the application be refused.
- (5) Councillor Hawtree asked for more information on the installation of the chimney, and in response Councillor Brown said that it was to make the property more in-keeping with neighbouring properties.
- (6) Mr A Dodd, the agent for the applicant, spoke in support of the application and said that the changes to the patio doors on the lower ground would not affect neighbours as they could not create issues in relation to overlooking. The proposed changes to the first floor window were highlighted and it was noted that the application did not contravene policy as it was recommended for approval.
- (7) Councillor Hawtree asked why the changes had been made to the windows on the rear of the property, and it was explained that this was a decision of the developer who had since sought to rectify this deviation from the original approved planning permission. It was also conformed that the detailing and chimney were not included in the planning application.

Questions for Officers, Debate and Decision Making Process

- (8) The Area Planning Manager (West) highlighted that there was no condition in the original application that the windows at the rear of the property be fixed shut.
- (9) Councillor Farrow asked for clarification in relation to retrospective planning applications. It was explained that it was not an offence to start work without the necessary amendments to a planning permission, but this was undertaken at the developers own risk; it was the role of the Enforcement Team to take any action where it was deemed necessary. Further questions were asked by Councillor Hawtree in relation to the status of the development if the application were refused, and it was explained that the development would then be unauthorised and the Council could consider enforcement if necessary, although it was open to the applicant to appeal.

- (10) Councillor Davey asked if the retrospective status of the application affected the Officer's recommendation, and it was explained that was not the case, and the recommendation would remain the same if it were a new application. It was also clarified that the distance from the first floor window to the boundary of the nearest property was 16 metres, and to the nearest property it was 45 metres.
- (11) Councillor Bowden noted the distance to the nearest property, and stated that there were also trees which broke up the line of sight. Councillor Carol Theobald stated her disagreement and said that the line of sight was not broken up by existing trees.
- (12) On a vote of 10 to 1 with 1 abstention planning permission was granted.
- 169.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.
- D. D - BH2010/03696 6-8 St James St** – Installation of storage containers incorporating sound insulated panelling and removal of Dawson's chiller unit from service yard. Removal of existing palisade fencing and erection of new acoustic fencing and gates to service yard.
- 169.4 **RESOLVED** – That consideration of the above application be deferred to allow Officers to undertake further consultation.
- E. E - BH2010/03717 6-8 St James St** – Variation of condition 5 of permission BN87/0222/F for delivery hours to be extended to 0700 to 2030 on Monday to Saturday (including Bank Holidays) and 0900 to 1600 on Sunday.
- 169.5 **RESOLVED** – That consideration of the above application be deferred to allow Officers to undertake further consultation.
- F. F - BH2011/03705 23 Lowther Road** - Erection of a single storey side and rear extension.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (East), Claire Burnett, drew Members to the Late List, and gave a presentation detailing the scheme by reference to plans, elevational drawings and photographs. The property was a mid-terrace, and the two rooms on the ground floor were higher than the kitchen to the rear; the road was also on a gradient and nos 21 & 23 were at a lower level than no 25. The application sought permission for a side infill extension to wrap around and create an enlarged kitchen area which would fill in the side recess; an amendment during the course of the application now proposed that the extension be set away from the retained boundary with no 25 by 100mm. The roof would be pitched with ridges, and at the rear there would be 4 fully glazed sliding doors. It was noted that a similar application had been upheld at appeal locally as the inspector had concluded it was modest in scale and would have minimal impact on the

neighbouring properties. Officer's felt there would be no significant loss of privacy to either neighbouring property. The application was recommended for approval.

Public Speakers

- (3) Mr A Goldfinch, a local resident, spoke in objection to the application, and stated that the drawings on the Council's website had not demonstrated the full impact of the extension, and local residents had undertaken their own research to better understand this; there would a loss of light to the neighbouring property at no 25.
- (4) Councillor Hawtree asked a question in relation to access for maintenance works, and it was explained that if granted the owners of no 23 would need access through no 25 for such works.
- (5) Mr B Haworth, the agent for the applicant, spoke in support of the application and stated that the proposed extension was at ground floor level, and impacted less on no 25 due the difference in ground floor levels, and the eaves of the proposed extension would only be marginally higher than the existing fence. In relation to the loss of daylight it was highlighted that the proposed scheme was below the 45 degree line set out in national guidance.
- (6) The Head of Development Control and the Senior Lawyer highlighted that issues in relation to party walls and private maintenance arrangements were not material planning considerations, and the Committee could give them no weight in its decision.
- (7) In response to a query from Councillor Davey it was explained that the eaves of the proposed extension would sit at approximately sill level of the windows at no 25.
- (8) Councillor Cobb noted her concern in relation to the loss of light and building up to the boundary, and stated that she would be voting against the Officer's recommendation.
- (9) Councillor Hyde noted her objections to the application and highlighted her concern in relation to the protection of amenity. She and stated that the development was un-neighbourly and contravened policies QD14 & QD27. Councillor Hawtree agreed with Councillor Hyde's comments, and stated that the original Victorian design of these terraces was well thought out. Councillor Carol Theobald also noted her objection to the application, and agreement with the comments already made.
- (10) A vote was taken and of the eleven Members present planning permission was refused on a vote of 7 to 4. Councillor Hyde proposed reasons that planning permission be refused and these were seconded by Councillor Hawtree; a short recess was then held to allow the Chair, Councillor Hyde and Councillor Hawtree to agree the reasons for refusal in full in consultation with the Head of Development Control and the Senior Lawyer. A recorded vote was then taken. Councillors Carden, Davey, Hamilton and Wells voted that planning permission be granted. Councillors Hyde, Cobb, Farrow, Hawtree, Summers, Carol Theobald and MacCafferty voted that planning permission be refused. Therefore on a vote of 7 to 4 planning permission was refused.

169.6 **RESOLVED** – That the Committee has taken into consideration the recommendation but resolves to **REFUSE** planning permission for the reasons set out below.

1. The proposed development by reason of its close proximity to the kitchen window of number 25 Lowther Road results in an increased sense of enclosure and reduction in outlook and would therefore have an unacceptably adverse impact on the amenity of the occupiers of 25 Lowther Road contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan 2005
2. The proposed development by reason of its orientation by not allowing sufficient space between numbers 23 and number 25 Lowther Road has a detrimental visual impact on the character of the terrace contrary to policy QD14 of the Brighton and Hove Local Plan 2005.

Note: Councillor Bowden was not present during the consideration or the vote on this application.

G. G - BH2011/03785 11 Dyke Road - Change of use from nightclub Sui Generis to indoor recreation maze (D2) for a 5 year temporary permission and incorporating revised side entrance, external lanterns and associated works.

- (1) The Area Planning Manager (West) gave a presentation detailing the proposals for planning permission (BH2011/03785) and listed building consent (BH2011/03786) by reference to plans and photographs. The proposals were for the creation of an indoor recreational maze on the ground and first floors of the property through a temporary change of use for five years to assess the viability of the business. Letters of objection related to the potential impact of noise which could now be during the daytime as well as night. The listed building consent related solely to the historic character of the building; there were proposed changes to the front of the building, and although the interior had little merit the original staircase would remain unchanged. Both applications were recommended for approval.

Questions for Officers, Debate and Decision Making Process

- (2) Councillor Hawtree noted that the site was located in a commercially difficult position.
- (3) Councillor Hyde welcomed the vacant premises being bought back into use.
- (4) Of the eleven Members present it was agreed unanimously that planning permission be granted.

169.7 **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 is **MINDED TO GRANT** planning permission subject to a revised elevation of the proposed courtyard roof to be formed below the eaves of the existing roof detail and subject to the conditions and informatives set out in the report.

Note: Councillor Bowden was not present during the consideration or the vote on this application.

H. **H - BH2011/03786 11 Dyke Road** - Internal and external alterations to enable use as indoor recreational maze incorporating revised side entrance, external lanterns, fascia sign and associated works.

(1) Of the eleven Members present it was agreed unanimously that listed building consent be granted.

169.8 **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 is **MINDED TO GRANT** listed building consent subject to a revised elevation of the proposed courtyard roof to be formed below the eaves of the existing roof detail and subject to the conditions and informatives set out in the report.

Note: Councillor Bowden was not present during the consideration or the vote on this application.

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

170.1 **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.]

170. 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

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

Application:	Requested by:
BH2012/00384 Former Falmer High School Lucraft Road	Jeanette Walsh; Head of Development Control
BH2011/03861 American Express Community Stadium Vilage Way	Jeanette Walsh; Head of Development Control

The meeting concluded at 17.46

Signed

Chair

Dated this

day of