

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 23 APRIL 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, C Theobald and Wells

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Jeanette Walsh (Head of Development Control); Nicola Hurley (Area Planning Manager); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE**184. PROCEDURAL BUSINESS****184a Declarations of substitutes**

184.1 There were no declarations of substitutes.

184b Declarations of interests

184.2 There were no declarations of interests or lobbying in matters listed on the agenda.

184c Exclusion of the press and public

184.3 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.

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

184d Use of mobile phones and tablets

184.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

185. MINUTES OF THE PREVIOUS MEETING

185.1 Mr Gowans referenced Item C paragraph. (12) (Application BH2013/02798 13A-14 Stone Street and 19A Castle Street Brighton) and asked that an additional sentence be added to the end of the paragraph to read, 'Mr Gowans asked why the outline of the proposed student accommodation had been omitted from the north elevation of the drawings, and the Officer explained that this was on account of the drop in levels.'

185.2 **RESOLVED** – That, with the above addition, the Chair be authorised to sign the minutes of the meeting held on 2 April 2014 as a correct record.

186. CHAIR'S COMMUNICATIONS

186.1 There were none.

187. PUBLIC QUESTIONS

187.1 There were none.

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

188.1 There were no requests for further sites visits.

189. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**Minor Applications**

A. BH2013/03624 - The Westbourne, 90 Portland Road, Hove - Full Planning
Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and installation of fixed aluminium planters to west elevation of garden.

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

(2) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The site related to a pub on the western corner of Portland Road which formed the end of the terrace. The proposals sought to raise the level of the rear garden area to allow internal and external access without the use of steps. The main considerations related to the impact on the character of the building and the wider area and the impact on residential amenity. It was considered that raising the level of the garden would have a limited impact and bamboo screening and planters would be installed to safeguard amenity. The existing gate would be removed and blocked up with materials matching the retained wall. The hours that garden could be in use were not restricted in the

application and would relate to the hours that the pub was in operation. It was noted that the most recent noise complaint had been in 2008, and it was considered the proposals would not create any additional noise above the current arrangements. It was also considered there would be no harmful impact on neighbour amenity. For the reasons outlined in the report the application was recommended for approval.

Public Speaker(s) and Questions

- (3) Ms Anne-Catherine Jack spoke in opposition to the application in her capacity as a local resident. She noted she was speaking on behalf of the neighbours on Westbourne Street whose properties were located at the rear of the proposal site. She emphasised that the neighbours were all customers of the pub and wished to be fair to the business, and their objections were based on two concerns in relation to additional noise caused from the installation of the new French doors and the raising of the garden. There was also concern in relation to the impact of the noise caused by patrons on young children who lived in close proximity to the premises. The residents considered that the bamboo screening would not provide a long term solution or address concerns. The residents were already of the view that noise travelled down into the gardens, and there was concern that this would be much worse during the summer when the garden was likely to be busier and open later.
- (4) Ms Jack confirmed the location of her property in response to Councillor Hyde.
- (5) In response to Councillor Cox it was confirmed by Ms Jack that she had not received a notification of the application from the Local Planning Authority, and she had to make her own enquiries to get further information on the application.
- (6) It was confirmed by Ms Jack in response to Councillor Davey that the garden was currently in use, but customers tended to use the area at the front more; however, neighbours often heard the noise of glass being recycled.
- (7) Councillor Jones asked about noise problems and Ms Jack stated that there generally had not been problems with noise from the pub.
- (8) Ms Emma Lundin spoke in support of the application in her capacity as the applicant. She stated that she owned and operated the pub with her partner; since taking over the premises they had worked to improve it and operate a welcome community and meeting space. The local residents' association met each month at the premises and the pub had been involved in community projects. The application was part of the ongoing works that had been undertaken since they had taken over, and the rationale was to make the garden space accessible as well as installing the French doors to create a better visual link with the inside of the premises. The pub already had air conditioning units to ensure the new doors would not need to be kept open during the hotter weather. They had worked to ensure neighbours were not disturbed by noise, and noted they had a number of letters of support.
- (9) In response to questions from Councillor C. Theobald it was explained by Ms Lundin that the garden was not usually open in the winter as the floor was difficult to maintain; when it was open ?efforts were made to close the area by 2200 to 2230 hours to

prevent noise disturbance and the recycling usually took place between 1000 and 1200 hours, and was normally only two bins used to empty bottles.

- (10) Councillor Hyde asked Ms Lundin if they would accept a condition in relation to the closure and clearing of the garden area, and Ms Lundin explained that the garden had been used regularly since they had operated the premises; they were not proposing an increased capacity nor would be encouraging this.
- (11) Ms Lundin confirmed to Councillor Davey that the proposal would allow for disabled access through both the pub and the side door to the garden.
- (12) Councillor Jones asked Ms Lundin about alternative types of screening and in response she explained that initially they had proposed a timber fence; however, Officers had considered this to be incongruous and it had been suggested that the bamboo would be more appropriate.
- (13) In response to Councillor Gilbey it was explained by Ms Lundin that the current exit from the garden to the street would be blocked up in the proposals as there was an alternative access point that was easier to manage.

Question(s) for Officers

- (14) It was confirmed for Councillor Davey that there were no conditions in relation to the times of the operation of the garden as these would be restricted to the same ones as the pub.

Debate and Decision Making Process

- (15) Councillor Hyde noted that she was of the view the garden area would be used much more with the proposals, and she was pleased to see the provision of disabled access and the use of bamboo to screen. She expressed concern about the new doors being left open and stated that she would be satisfied to support the Officer recommendation with a condition that the garden be closed and cleared by 2230 hours as this would help to mitigate the potential for increased noise.
- (16) Councillor C. Theobald stated that the proposals would be an improvement and she welcomed the accessibility for disabled people. She stated that she would second the proposed condition put forward by Councillor Hyde.
- (17) Councillor Davey noted that he echoed the points made by colleagues in the debate in relation to the closure of the area at 2230 hours. He noted the improvements made at the premises in recent years.
- (18) Councillor Cox noted that the current owners had gone to great lengths to become part of the local community; however, he also noted the concerns of the local residents and supported the condition proposed by Councillor Hyde.
- (19) The Head of Development Control, Jeanette Walsh, suggested the wording of the condition, 'the garden to be closed after 2230 hours every day and the rear French doors to be kept shut after that time'.

- (20) Councillor Davey suggested that the condition should be worded such that the French be closed throughout all the hours to pub was open, except for access and egress, to reduce noise disturbance. The Head of Development clarified that the application replaced the existing fire escape with French doors and there was the potential for more noise disturbance.
- (21) The Committee voted on the proposed condition with the addition that the French doors remain closed whilst the premises was open and this was agreed with 6 in favour and 5 against.
- (22) A vote was taken, with the additional agreed condition, and the Officer recommendation that Planning permission be granted was unanimously agreed by the 11 Members present.

189.1 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives, and the additional condition set out below:

'The garden area shall not be in use between 2230 hours and the hour in which the premises opens for business the following day, and the rear French doors shall be kept shut at all times the premises is open except for access and egress.'

Reason: To safeguard the amenities of nearby residents and in order to comply with policy QD27 of the Brighton and Hove Local Plan

Note: Councillor Duncan was not present at the meeting.

B. BH2013/03400 - 112 Carden Avenue, Brighton - Full Planning - Demolition of existing garages to rear and erection of 3no. bedroom detached dwelling with associated landscaping and access from existing driveway off Carden Avenue.

189.2 **RESOLVED** – That the application be withdrawn from the agenda.

C. BH2013/04102 - St Wulfran's Church, Greenways, Ovingdean, Brighton - Full Planning Permission - Change of use from agricultural land (Sui Generis) to burial ground (D1).

- (1) The Area Planning Manager, Nicola Hurley, introduced the application by reference to plans, photographs and elevational drawings. It was noted that St. Wulfran's Church was a listed building, and the application related to a parcel of land adjoining the existing graveyard which was currently classified as agricultural land. The land adjoined the South Downs National Park to the west and was located in the Ovingdean Conservation Area. The application sought the change of use of the land as burial ground; the main considerations related to the impact of the proposals; the impact on local residents, ecology and amenity impacts. The land was currently adjacent to open countryside and not in use as farmland; the supporting information provided by the church described that the current burial ground was close to capacity and there was a need for additional space. No adverse impacts had been identified and the burials

were proposed to start west and progress east across the site, and the lower eastern side of the site was set aside as a natural meadow. No additional harm to the area, church or the conservation area had been identified and the use was considered acceptable; as well as preserving the appearance of the conservation area. The meadow would provide visual relief, and there were no objections from either English Heritage or the Heritage Team. The supporting information stated that the burial policy would remain unchanged for Ovingdean residents and figures suggested burial numbers would be in the region of approximately ten a year, and the site would be screened by hedging. A number of objections had been raised in relation to the potential for increased vehicular numbers in the village attributed to burials; however, Officers had not identified any potential increase and for the reasons set out in the report the application was recommended for approval.

Public Speaker(s) and Questions

- (2) Mr Anthony Kenney spoke in objection to the application in his capacity as a local resident. He stated that he lived at 'Field End' with his wife and noted the location of the site. The church had purchased the field two years ago which had double to size of the land it owned; the size of the burial would be out of proportion with the size of the church and have the potential capacity for 1500 burial plots. Many residents had objected on the grounds that they did not want to live in close proximity to a 'municipal burial ground' in Ovingdean. It was estimated that the upper west 60% of the site would be sufficient for burials for 220 years at the current rate of burials, and the objectors were requesting that permission not be given for burials in the lower 40% of the site. The regulatory conditions in the application were strongly supported as biodiversity was currently 'non-existent' and it was requested that the lower 40% of the field be kept permanently as 'wild field'.
- (3) Mr Kenney confirmed in response to Councillor Hyde that the upper 60% would be sufficient to provide burial sites for the next 220 years, and residents had largely accepted this use at this part of the site.
- (4) In response to Councillor Hamilton it was confirmed by Mr Kenney that the church had stated it would maintain their current burial policy; however, there was concern that this position could change and numbers could increase in response to the national shortage of burial sites.
- (5) Mr Ewart Wooldridge spoke in support of the application in his capacity as the Church Warden. He stated that the church was very satisfied with the report and Officer recommendation. It was considered the approach taken by Officers would protect the lower part of the field for use as a natural meadow. The church was firmly committed to preserving and enhancing the traditional appearance of the site and the church parish council had agreed the terms of reference to advise them on the landscaping of the site. The site would be a 'special' place for the community and open for other community activities. The church was confident with the Officer recommendation.
- (6) In response to Councillor Hyde it was confirmed by Mr Kenney that the current burial policy had three categories for burial and it was intended these would remain unchanged. They were specifically: those living in Ovingdean; those with very close connections to Ovingdean and those that had died in Ovingdean.

- (7) Councillor Jones asked about biodiversity and Mr Kenney explained that this was managed very carefully; close contact was maintained with experts and there was an active advisory group. Mr Kenny added there was already active wildlife at the site, and experts would advise on the landscaping on the site.
- (8) In response to Councillor C. Theobald it was confirmed by Mr Kenney that the figure of 10 burials a year was produced from 20 years of data, and the church had made explicit commitment to maintain the lower part of the site as a natural meadow.

Question(s) for Officers

- (9) The Chair referenced the report in relation to Councillor Hyde's concern that the burial policy of the church could change. Councillor Hyde stated that she would prefer to see the burial policy formalised by condition to mitigate the concerns of residents. The Senior Solicitor, Hilary Woodward, highlighted that there were strict tests in relation to the imposition of conditions – largely that they should be necessary and reasonable, and any condition would have to be properly justified. Councillor Hyde replied that the access to the village was difficult and she was not content that the application would prevent the site becoming a large municipal cemetery.
- (10) Councillor Hamilton noted that it was likely the church would have to adhere to a diocese wide policy on burials.
- (11) The Head of Development Control clarified that the report before the Committee had carefully assessed the application and not identified a need to restrict the number of burials.
- (12) Councillor Hyde reiterated her position and stated the concerns of residents that the village was not a suitable site for a busy graveyard. The Principal Transport Officer Steven Shaw noted that no significant potential increase in traffic had been identified, and for this reason it was not considered necessary to restrict the number of burials at the site to make it acceptable in transport terms.
- (13) Councillor Littman noted that the church had managed the burial policy for a significantly long period of time and he did not consider it necessary to condition this.
- (14) The Committee voted on the proposal to impose an additional condition in relation to burial policy at the site, and the motion was defeated on a vote of 3 in favour with 8 against.
- (15) In response to Councillor Gilbey it was noted that the use class of the site could potentially be varied by application following the usual consultation and consideration.

Debate and Decision Making Process

- (16) Councillor Hyde noted that she would not be able to support the application.
- (17) A vote was taken and the Officer recommendation to grant planning permission was carried on a vote of 9 in favour with 2 against.

189.3 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.

Note: Councillor Duncan was not present at the meeting.

D. BH2012/01263 - Amber Court, 38 Salisbury Road, Hove - Full Planning - Change of use of part of basement level of block of flats to commercial office (B1) with associated external alterations including new access ramp and cycle storage to front elevation.

(1) The Area Planning Manager, Nicola Hurley, gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a three-storey flat roofed property on Salisbury Road with the ground floor raised at street level; it was noted that the eastern side of the street was largely traditional. Permission was sought for a lower ground floor level to create office space with similar fenestration to the existing frontage. The main considerations related to the impact of the office on the character of the building; highways safety and amenity considerations. The principle of the application did conflict with Policy EM4; however, it sought to provide additional employment opportunities in the city. There would be a ramp and pedestrian access within the existing curtilage and a number of buildings in the street already had lower ground floors, but the design would not replicate the existing proportions. The lower ground floor was considered to be well designed and there would be no harmful loss of light or outlook. Whilst Environmental Protection had suggested there would be increased noise due to the new use policy stated that B1 office use was compatible with residential units. It was not expected that the application would cause material harm and for these reasons the application was recommended for approval.

Question(s) for Officers, Debate and Decision Making Process

(2) In response to Councillor Hyde the Principal Transport Officer, Steven Shaw, explained that there would be a loss of two parking spaces at the front of the site, but all the other garages and parking at the rear would be retained. In relation to proposed 14 cycle spaces this figure had been driven by the applicant.

(3) In response to the Chair it was explained that the new frontage proposed fenestration to match the existing.

(4) In response to Councillor C. Theobald it was explained that the cycle provision would be communal for use by both the residential and commercial aspects of the site, and the potential number of employees at the site had not been identified by the applicant.

(5) The Committee expressed some concern about the details of the materials and it was agreed that this would be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.

(6) A vote was taken and the Officer recommendation that planning permission be granted was carried unanimously by the 11 Members presents at the meeting.

189.4 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives and details of materials to be provided under condition 5) to be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons..

Note: Councillor Duncan was not present at the meeting.

E. BH2014/00433 - 17 Old Shoreham Road, Hove - Full Planning - Erection of single storey rear extension with associated landscaping and parking alterations.

- (1) It was noted that the site had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager, Nicola Hurley, gave a presentation by reference to photographs, plans and elevational drawings. The property was in use as a care home and had previously been extended; the proposed application would provide an additional eight en-suite bedrooms and would be single storey. There was also of letter of support from both of the local Ward Councillors. The main considerations related to the principle of the extension; the design and appearance; highways matters and tree considerations. Policy allowed extensions to residential care homes where criteria set out in Policy HO11 were met; however, there was in concern in relation to criteria A) as the proposed extension would add an additional 24 metres to the length of the property and involve the partial excavation of the garden. The extension was considered excessive as it was twice the length of the existing building and would double the ground floor space of the building. The proposal would dominate the rear garden and the form was inappropriate and incongruous. The impact on the amenity of the neighbouring properties was outlined and in particular it was noted that no. 15 would be impacted upon as the side windows served a secondary kitchen window, garage and utility room – if granted the windows at this outlook could be obscurely glazed. There were concern in relation to the excessive depth of the extension and it was considered that this would be un-neighbourly. Whilst the principle of the development was supported this did not outweigh the concerns of Officers and for the reasons set out in the report the application was recommended for refusal.
- (3) The Head of Development Control, Jeanette Walsh, noted that at the site visit Officers had paced out approximately 17 metres; when this should have been 23 metres.

Public Speakers(s) and Questions

- (4) Councillor K. Norman spoke in support of the application; he highlighted that he was speaking on behalf on the Ward Councillors who were both unable to attend the meeting. Both of the Ward Councillors were in support of the application and in favour of the proposed development, and added that similar size extensions had been agreed in the neighbouring ward for student accommodation. He stated that there was a citywide need for these types of facilities, and a desire to use facilities within the city rather than have to send people outside of the city to meet their long-term care needs.

- (5) In response to Councillor Davey it was explained by Councillor K. Norman that this site should be viewed in comparative terms to those of a similar scale that had been granted planning permission.
- (6) Mr Peter Mallinson and Mr David Kemp spoke in support of the application in their capacity as the applicant and the architect respectively. Mr Mallinson explained that he had been the director of Loxwood House [the application site] since 1985 and the facility provided care for people with learning disabilities and in the last couple of years had extended services to those with dementia. The garden was currently underused and the architect had put forward a commendable scheme. Mr Kemp stated that that the property had been a care home for many years and the traditional appearance had been maintained internally and externally. The proposed extension would be linked to the parent building to provide access for staff and residents. The proposal would maintain two areas of external space: a sensory courtyard garden and significant remaining area of lawn at the rear. The new rooms would meet current standards for hygiene and dignity and the net gain would actually be seven bedrooms due to loss of one to provide the extension.
- (7) In response to a question from Councillor Davey it was explained by Mr Kemp that a more ecological development had not been considered as the intention was to mirror the style of the existing building and make the additional footprint a reasonable size.

Question(s) for Officers

- (8) It was confirmed in response to Councillor Hyde that the length of the remaining lawn would be 15 metres.
- (9) In response to Councillor Davey the Area Planning Manager confirmed that, in policy terms, an extension would not be expected to meet the same levels of sustainability as a new build property. It was also confirmed that the main objection related to the size and there had been advice from Officers at the pre-application stage that a reduction in the length would be more acceptable.
- (10) In response to Councillor C. Theobald it was confirmed that three apples trees would be felled as part of the application.

Debate and Decision Making Process

- (11) Councillor Hyde noted the difficulty of the decision, and stated that she was content with the amount of garden space that would remain if the application were granted. The extension was big in scale and whilst this was not ideal the excavation would not impact on the neighbouring properties and the potentially affected rooms were not habitable rooms. The social benefits of the scheme outweighed the concerns about the size of the proposals, and it was preferable that more residential care placements be provided within the city.
- (12) Councillor Jones noted he sympathised with the applicant, and felt that it would not be possible to turn the property back into a family home. He recognised the potential to overdevelop site, but noted that recent legislative changes had placed increased

regulations on social care providers. He stated he was still undecided on the application.

- (13) Councillor Littman noted he echoed many of the points made in the debate, and he did not usually support such applications building on existing gardens spaces; however, he recognised the shortage of residential care places within the city, and on balance he would not support the Officer recommendation.
- (14) Councillor C. Theobald noted that the city needed more residential care places, but she felt the size of the proposal was too large – like Councillor Jones she was undecided.
- (15) Councillor Cox noted that two local residential care homes had shut recently as they were no longer economically viable due to the recent changes to regulations. He noted the issues in relation to the size of the proposals and stated that he recognised the need for such facilities in the city.
- (16) Councillor Gilbey stated that she had been concerned with the close proximity of the windows of the neighbouring property. She sympathised with the applicant and noted that the proposals would not be visible from the road. She stated that the decision was very difficult, but she was leaning towards voting against the Officer recommendation.
- (17) Councillor Davey reiterated the difficulty of the decision and the need for such facilities; however, he felt that the proposal was too big and felt there was the potential for something smaller with a higher level of sustainability to come forward.
- (18) The Chair stated that he agreed with many of the comments made by colleagues, but he was of the view the proposals were too big and the amenity of future occupants of the neighbouring properties would be adversely affected. The blank 24 metre wall was not good architecture and he would support the Officer recommendation.
- (19) Before the vote was taken the Head of Development Control noted that there was no objection to the principle of the development, and there had been no discussion with the Local Planning Authority by the applicant in terms of viability.
- (20) A vote was taken and the Officer recommendation to refuse permission was carried on a vote of 7 in support with 4 against.

189.5 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **REFUSE** planning permission for the reason set out below:

Reasons for Refusal:

- i. Having regard to the excessive scale of the proposed extension in relation to the existing property and surrounding area, the proposal would significantly detract from the character and appearance of the host building and stand out as an inappropriate and unsympathetic addition. The coverage of the plot is disproportionate to the scale of the building and surrounding area and the proposal is considered overdevelopment of the site. The scheme is therefore contrary to policies QD1, QD2 and QD14 of the

Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

- ii. Given the scale and projection of the proposed extension in close proximity to the boundary with 15 Old Shoreham Road, the proposal would result in an increased sense of enclosure and an unneighbourly form of development. The scheme therefore results in a loss amenity and is contrary to policies QD14, QD27 and HO11 of the Brighton & Hove Local Plan.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning.

Note: Councillor Duncan was not present at the meeting.

- F. **BH2013/04082 - Land Rear of 4-34 Kimberley Road, Brighton - Full Planning -** Erection of 4no two storey dwellings (C3) with off-street parking, associated landscaping works and re-surfacing of access road.

189.6 **RESOLVED** – That the application be withdrawn from the agenda.

Note: Councillor Duncan was not present at the meeting.

- G. **BH2014/00294 - 39-40 King's Road, Brighton - Householder Planning Consent -** Replacement of existing timber sash windows with UPVC sash windows on first, second, third and fourth floors.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site was located in the Old Town Conservation Area and there had been a similar application allowed at appeal in 2001; however, this application sought the replacement of an increased number of windows. The considerations related to the visual impact on the conservation area and the street scene. Since the successful appeal in 2001 both local and national policy had been changed, and the proposal was now considered contrary to policy which outlined that replacement windows must match those existing. Whilst the proposed design would broadly match the use of UPVC standard double glazed unit would give a harder appearance. It was considered that these differences would harm both the appearance and of the historic building and the conservation area.

Public Speakers(s) and Questions

- (2) Mr Simon Bareham supported, by Mr David Moyle, spoke in support of the application in their capacity as the agent and applicant respectively. Mr Bareham stated that the application sought the replacement of the failing timber windows that had been damaged by water penetration. There was 'surprise' at the recommendation to refuse the application given the appeal decision to grant a similar application in 2001; it was

also suggested that the Council's approach was not reasonable as it was believed they were not in possession of a copy of the 2001 appeal decision. The response from the Heritage Team was not considered consistent as the application proposed the same features that had been approved in the 2001 appeal, and the comments also referenced dormer windows that did not form part of the application. Residents had clearly stated their desire for better water protection and a higher standard of heat retention. The proposed details evidenced that they could be integrated within the conservation area.

- (3) Councillor Cox asked the applicant why they felt timber framed windows could not be used at this location given the Officer recommendation. In response Mr Kemp explained that the issue primarily related to maintenance as he had been unable to source a paint that could withstand the weather conditions for more than 1 year and prevent water penetration. Given the options that had already been tried it was felt UPVC windows were the only appropriate way forward.
- (4) In response to Councillor Davey it was explained by Mr Kemp that the proposed windows had details that related to the current proportions of the existing timber windows. The majority of the timber framed windows had been replaced or renovated approximately eight years ago and many of these had rotted within this time; it was felt the only option was to replace with UPVC windows.
- (5) Mr Kemp confirmed to Councillor C. Theobald that the windows also had secondary double glazing.
- (6) The Chair asked if the applicant had sought advice from the Heritage Team given that there were large conservation areas in the city that had timber framed windows on similar seafront locations. The applicant explained that he had taken advice, but felt that the particular exposed corner position of the building made the situation worse, and there were neighbouring properties with UPVC windows.

Question(s) for Officers

- (7) The Area Planning Manager noted for the Committee that there were many other similar seafront locations in the city which were able to maintain their timber fronted sashes.
- (8) In response to Councillor Cox it was explained that since the successful 2001 appeal both local and national policy had moved on and there was very clear guidance in SPD 9 that discussed the replacement of timber framed windows and Officers were placing significant weight on this policy.

Debate and Decision Making Process

- (9) Councillor Davey noted a similar retrospective application that the Committee had refused in Clifton Street; he stated the policy was very clear on these matters and UPVC windows were not likely to be acceptable in conservation areas. He sympathised with the applicant, but felt that given the number of other timber framed windows in the city on seafront locations there no compelling reason to depart from policy.

- (10) Councillor C. Theobald noted that UPVC windows appeared bulky and did not give the same visual finish; she added that the building was on a very prominent part of the seafront and she felt the policy was right on these matters.
- (11) The Chair noted the prominence and local appreciation of the application site and felt that further discussion with the Heritage Team could find a suitable way forward to retain the timber framed windows.
- (12) Before the vote was taken the Head of Development Control, Jeanette Walsh, noted that there had been no pre-application advice sought by the applicant; adding that this was a free service provided by the Local Planning Authority.
- (13) A vote was taken and the Officer recommendation to refuse planning permission was carried on a vote of 10 in favour with 1 abstention.

189.7 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **REFUSE** planning permission for the reason set out below:

Reasons for Refusal:

- i. The proposed UPVC replacement windows would cause significant harm to the character and appearance of the host properties, street scene and the wider Old Town Conservation Area. The use of UPVC is an unsympathetic material to such an historic building which would result in the frames having a significantly bulkier appearance that would not match the existing joinery details to the building. As such the proposed alterations are contrary to HE6 within the Brighton & Hove Local Plan and SPD09: Architectural Features.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

Note: Councillor Duncan was not present at the meeting.

H. BH2013/03946 - Block C & D, The Priory, London Road, Brighton - Full Planning - Creation of additional floor above existing to provide 8no flats with additional car parking at ground floor level.

- (1) The Committee agreed to forego a presentation and move straight to the vote.
- (2) A vote was taken and the Officer that planning permission be granted was agreed by 10 in favour with 1 against.

- 189.8 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.

Note (1): Following the vote Councillor C. Theobald indicated that she voted incorrectly and that asked her vote be recorded as against the Officer recommendation. This amendment is reflected in the vote listed above as 10 in favour with 1 against.

Note (2): Councillor Duncan was not present at the meeting.

190. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

- 190.1 There were no further requests for site visits.

191. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

192. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

- 192.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. 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.]

193. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

194. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

195. APPEAL DECISIONS

195.1 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.

The meeting concluded at 4.40pm

Signed

Chair

Dated this

day of