

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 23 SEPTEMBER 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Cobb, Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman and C Theobald

**Co-opted Members** Apologies were received from Mr Small (CAG)

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager); Hamish Walke (Area Planning Manager (East)); Kate Brocklebank (Senior Planning Officer); Zachery Elwood (Interim Senior Team Planner); Chris Wright (Planning Officer); Steve Reeves (Principal Transport Planning Officer); Di Morgan (Arboriculturist); Ann Wilkinson (Lawyer) and Penny Jennings (Senior Democratic Services Officer)

**PART ONE**

**100. PROCEDURAL BUSINESS**

**100a. Declaration of Substitutes**

100.1 There were none.

**100b. Declarations of Interest**

100.2 The Deputy Development Control Manager, Mr Vidler declared a personal and prejudicial interest in Application BH2009/01518, Sussex County Cricket Ground, Eaton Road, Hove by virtue of the fact that he was a Sussex County Cricket Club member. He had taken no part in processing the application or formulating the recommendation set out in the report. Any questions arising from the Officer's presentation would be answered by the case officer.

100.3 Councillor Steedman declared a personal and prejudicial interest in Application BH2009/01489, Tiger Enterprise Ltd, 50 Marina Way, Brighton stating that as he did not consider that he was of a neutral mind in respect of this application, he would leave the meeting during its consideration and would take no part in the debate or decision making thereon. Councillor Kennedy referred to the same application stating that although she had attended several public events at the site, neither the applicant nor the agent were known to her, she remained of a neutral mind and it was her intention to remain at the meeting during the debate and decision making thereon.

100.4 Councillor Hamilton stated that he would be speaking in support of Application BH2009/00532, 116 St Andrew's Road, Portslade in his capacity as a Local Ward Councillor. Having spoken he would withdraw from the meeting and would take no part in the discussion or voting thereon.

**100c. Exclusion of the Press and Public**

100.5 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).

100.6 **RESOLVED** - That the press and public be excluded from the meeting during consideration of Item 116, Non-public minutes of the previous meeting, as this item is exempt under Paragraph 6 of Schedule 12A of the 1972 Act (information which reveals that which the authority proposes to do).

**101. MINUTES OF THE PREVIOUS MEETING**

101.1 **RESOLVED** - That the Chairman be authorised to sign the minutes of the meeting held on 2 September 2009 as a correct record.

**102. CHAIRMAN'S COMMUNICATIONS**

**Web casting**

102.1 The Chairman explained that afternoon's meeting of the Planning Committee was being webcast. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly.

**103. PETITIONS**

103.1 There were none.

**104. PUBLIC QUESTIONS**

104.1 There were none.

**105. DEPUTATIONS**

105.1 There were none.

**106. WRITTEN QUESTIONS FROM COUNCILLORS**

106.1 There were none.

**107. LETTERS FROM COUNCILLORS**

107.1 There were none.

**108. NOTICES OF MOTION REFERRED FROM COUNCIL**

108.1 There were none.

**109. APPEAL DECISIONS**

109.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which ha been lodged as set out in the agenda.

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

110.1 The Committee noted the list of Planning Appeals which had been lodged as set out in the agenda.

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

111.1 The Committee noted the list of planning appeals set out in the agenda relating to Informal Hearings and Public Inquiries.

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

112.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determining the application:

| Application:   | Site Visit Requested by :          |
|--|------------------------------------|
| BH2009/00422, 223A& 23E Coleridge Street, Hove                           | Councillor Mrs Cobb                |
| *BH2009/01729, Falmer Academy  | Deputy Development Control Manager |
| *BH2009/02014 & 02015, The Old Market, 11A Upper Market Street, Brighton | Deputy Development Control Manager |
| *BH2009/01464, Park House, Old Shoreham Road, Hove                       | Deputy Development Control Manager |

\*Anticipated as applications coming forward for decision at the next scheduled meeting of the Committee.

**113. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST :23 SEPTEMBER 2009****(i) TREES**

- (1) Councillor C Theobald sought clarification regarding the level of damage being caused by the tree, noting that it appeared to be a fine specimen and in good health. The arboriculturist confirmed that although healthy the trees roots were starting to undermine four listed structures including the flint retaining wall; for that reason removal and replacement was recommended in this instance.
- (2) A vote was taken and on a vote of 8 to 1 with 3 abstentions consent to fell the trees referred to below was granted.

113.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to grant consent subject to the conditions set out in the report.

**Note:** Councillor C Theobald voted that permission to fell the tree be refused. Councillors Carden, Hamilton and Wells abstained.

**(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY**

**A. Application BH2008/00792, Former Nurses Accommodation, Brighton General Hospital, Elm Grove** – Demolition of existing buildings and redevelopment of site to provide 95 residential units and a community facility within three buildings of varying heights between 3 -6 storeys and associated car parking and landscaping.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Ms Brocklebank gave a presentation detailing the constituent elements of the scheme and considerations as to its appearance when juxtaposed with residential buildings in the surrounding area. The form and design of the building in relation to the wider area was considered to be poor and to have been designed without regard to connections to the character of the neighbourhood.
- (3) The children's play area and pedestrian routes had been overlooked in favour of on-site car parking. The location of the outdoor recreation space was considered inappropriate as there would be large areas of windowless retaining walls at ground level, no seating and little evidence of how these public spaces could be used. There were concerns as the Community facility would have no dedicated parking spaces and in respect of the level of sustainability which could be achieved. Wheelchair access across the site was poor and the main pedestrian routes through the site contained only steps, for these reasons the application was recommended for refusal
- (4) Mr Barkway spoke on behalf of the applicant in support of their application, stating that in their view the varying gradients across the site were a constraint. As the site was in

an elevated and conspicuous location an extensive visual impact analysis had been carried out. The development would step down across the site and the impact on both local and longer views was not considered to be as significant as indicated in the Officer's report.

- (5) Councillor Randall spoke in his capacity as a Local Ward Councillor in support of the application. He considered that the development would make effective use of the site and would provide much needed housing and could also free up family housing in the Queen's Park Area. An improved community facility would be included in the development and the play space would also be available for use by local families. It was a difficult site and the applicants had risen to the challenges it presented.

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

- (6) Councillor Kennedy enquired as to rationale for locating the children's play area to the rear of the site as there were larger green spaces located elsewhere within the development. Mr Barkway explained that this location had been chosen as it would relate well to neighbouring back gardens.
- (7) Councillor C Theobald enquired regarding the location of on-site parking, particularly in relation to Block C which did not appear to have any allocated parking immediately adjacent to it.
- (8) Councillor Mrs Cobb asked whether there would be an increase in the percentage of site coverage when compared with that of the buildings currently on site. It was explained that there would be an increase of 17% on existing site coverage.
- (9) Councillor McCaffery enquired regarding materials proposed for construction of balconies within the development. It was explained these would be glass with stainless steel retaining rails and banisters.
- (10) In answer to further questions the Senior Planning Officer, explained that no samples of materials had been received and notwithstanding that the applicant had indicated that Level 4 sustainability would be achieved, the submitted information indicated that this would be at Level 3.

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

- (11) Councillors Smart and Wells considered the scheme was acceptable and that planning permission should be granted considering that any outstanding matters could be addressed by conditions.
- (12) Councillor Kennedy stated that whilst recognising the need for housing, on balance she considered that a better scheme, more in keeping with the neighbouring residential area (characterised by low rise red brick buildings) should be sought. The materials proposed (dark render) and the horizontal design were at variance with those of the prevailing street scene.

- (13) Councillor McCaffery expressed concern regarding the provision of disabled parking and wheelchair accessibility. She concurred that the design of the scheme could be improved.
- (14) Councillor Davey whilst recognising the need for additional housing was also in agreement that improvements should be affected to the design. A balance needed to be struck between the level of parking and amenity space provided on-site. His preference would be for there to be fewer parking spaces but larger and improved amenity spaces.
- (15) A Vote was taken and on a vote of 7 to 5 planning permission was refused.

113.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to refuse planning permission for the reasons set out in the report and amendments to Reason 1 as set out below:

**Amended Reason 1:**

“The proposed development, by virtue of its excessive height, mass and site coverage would appear over dominant and visually intrusive, and would detract from the prominent historical hill top setting and views of and from the adjacent listed Brighton General Hospital buildings which are a key landmark with citywide importance, and the setting of and long views from the Valley Gardens, Round Hill and West Hill conservation areas, contrary to policies QD1, QD2, QD3, QD4, HE3, and HE6 of the Brighton & Hove Local Plan.”

**Note:** Councillors Carden, Caulfield, Hamilton, Smart and Wells voted that planning permission be granted.

**(B) Application BH2009/00551, University of Brighton, Falmer Campus, Village Way, Brighton** – Provision of 8 floodlit tennis/netball courts with fencing, 9 lighting columns and associated access.

- (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), Mr Walke gave a presentation detailing the proposals which sought to replace existing facilities which would be lost as a result of the football stadium development. It was understood that these facilities would be available for use by the wider community and although within the AONB they fell outside the boundaries of the National Park.

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

- (3) Councillor Mrs Cobb sought confirmation regarding the materials to be used, it was explained that the courts would have a hard green porous surface.

- (4) Councillor Smart sought confirmation regarding the status of the protective fencing to be provided for the duration of the works. The Area Planning Manager (East) confirmed that these would be removed once the works had been completed.
- (5) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

113.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 9 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

**Note:** Councillor Caulfield abstained from voting in respect of the above application

- (C) **Application BH2009/01498, Tiger Enterprise Ltd, 50 Marina Way, Brighton** – temporary change of use for a period of 5 years for the sale of surplus and reclaimed building materials, installation of portacabins and other ancillary structures and new site fencing (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 (East), Mr Walke gave a presentation detailing the proposal. He explained that the application was now recommended for “grant” rather than “minded to grant” as it was no longer considered necessary for the applicant to enter into a Section 106 Obligation to enable the existing TRO to be amended to allow right and left turn movements into the access off Marina Way as this could be dealt with by means of an informative. He explained that in this instance all residents of the west wing of the building (which overlooked the site) had been consulted.
  - (2) The Deputy Development Control Manager explained that it was anticipated that the site was unlikely to be developed/required for housing within five years, the proposed use would ensure that the appearance of the was improved whilst retaining its designated use.
  - (3) Mr Ball spoke on behalf of neighbouring objectors living in Marine Gate. He queried whether all of those residents directly affected had been consulted. These proposals ran contrary to designated use of the site for housing and would affect the amenity of residents of the west wing of Marine Gate by virtue of dust, noise and potential odour issues.
  - (4) Ms Cattell spoke on behalf of the applicant in support of their application stating that if temporary permission was to be granted it enable the applicant to store materials at the site more appropriately than currently, and would enable recycling of building materials to take place locally. In answer to queries by the Chairman, Councillor Hyde, regarding why planning permission had not previously been sought, Ms Cattell explained that her client had been wrongly advised regarding the need for planning permission.

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

- (5) The Chairman referred to the white sanitary ware currently stored on site, observed during the course of the site visit. This was visually unappealing and she sought confirmation that measures would be undertaken to improve the visual appearance of the site in the event that permission was granted.
- (6) In answer to questions by Councillor Smart, it was explained that the additional stacking units proposed would be of no greater height than those currently located on site. Councillor Smart also enquired regarding the type and location of signage to be used. The Solicitor to the Committee explained that this was not germane to consideration of the application and that this matter would be dealt with separately.
- (7) Councillor Carden enquired whether the site would be open for use by the Public and it was confirmed that it would. He welcomed this proposed temporary use which he considered would meet an identified need.

**Debate and Decision Making Process**

- (8) Councillor Wells considered that activity at the site needed to be monitored and stated that his preference would be for temporary permission to be granted for 2 years rather than 5. He subsequently put this as a formal amendment.
- (9) Councillor Mrs Cobb expressed support for the application considering that the proposed conditions would address concerns of Marine Gate Residents. Councillors Carden and Davey concurred in that view.
- (10) A vote was taken on the amendment put by Councillor Wells and seconded by Councillor Hyde, the Chairman, that temporary permission be granted for a period of two years. This was lost on a vote of 4 to 7. A further vote was then taken and on a vote of 8 to 4 abstentions temporary planning permission was granted for a period of 5 years.

113.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 the report and agrees that planning permission be granted subject to the conditions and informative set out in the report and to the additional informative set out below:

“The applicant is advised that there is a Traffic Regulation Order dated 1977 prohibiting right and left turn movements into the site access off the former Rifle Butt Road. Further information can be obtained from the Sustainable Transport Team on 01273 292368.”

**Note 1:** Councillors Caulfield, Hyde (Chairman), Smart and Wells abstained from the substantive vote.

**Note 2:** Having stated his intention to do so, Councillor Steedman left the meeting during consideration of the above application and took no part in the discussion or decision making thereon.



**(iii) MINOR APPLICATIONS**

**D. Application BH2009/01431, 26 St Mary's Square, Brighton** – Installation of roof lights to front and rear roof slopes, alterations to front entrance, replacement doors to rear at ground floor.

(1) A vote was taken and on a vote of 11 with 1 abstention to planning permission was granted.

113.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

**Note:** Councillor Davey abstained from voting in respect of the above application.

**E. Application BH2009/01518, Sussex County Cricket Club, Eaton Road, Hove** – Erection of 3 single storey brick buildings comprising a toilet block, food and drink servery and a machinery maintenance and equipment store and office.

(1) A vote was taken and Members voted unanimously that planning permission was granted.

113.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report and amendment of Condition 10 as set out below:

**Amended Condition 10:**

“The compactor shall only be operated between the hours of 08.00 and 18.00 Monday to Friday, between the hours of 09.00 and 18.00 on Saturdays, Sundays and Bank or Public Holidays.

**Reason**

To protect the amenities of the occupiers of surrounding properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

**F. Application BH2009/00820, The Gallery, 12 Middle Street, Brighton** – Change of use from A1 retail to Sui Generis private karaoke based entertainment venue. Interior alterations including restoring of historic features.

(1) The Planning Officer, Mr Wright gave a presentation, detailing the scheme, location of the premises and proposed internal configuration including details concerning the location of disabled access Wc's and soundproofing measures to be put into place.

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

(2) In answer to questions of Councillor Smart regarding any other facilities/services to be provided the Planning Officer explained that the applicant had indicated that they intended to apply for an alcohol licence.

- (3) Councillor McCaffery enquired whether the proposed hours of operation were commensurate with other establishments in the vicinity and the Planning Officer confirmed that they were. Neither the Police nor the Environmental Health Department had raised any objections to the application.
- (4) A vote was taken and Members voted unanimously that planning permission be granted.

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

**G. Application BH2009/00532, 116 St Andrew's Road, Portslade** – Change of use of premises from car showroom (sui generis) to furniture showroom (A1) and storage container.

- (1) The interim Senior Team Planner, Mr Elwood, gave a presentation and explained that the proposal represented a change of use from sui generis to Class A1 (retail). It was considered that insufficient evidence had been provided to support this change, or to indicate that the applicant had sought to locate the proposed use within existing shopping centres. The potential impact of this unit on existing established shopping centres had also not been assessed. The proposal was considered to be contrary to policies SR1 and SR2 of the Local Plan and refusal was therefore recommended.

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

- (2) Councillor Davey sought clarification of the definition of “sui generis” and the Interim Senior Team Planner, Mr Elwood explained that this was applied to activities which had their own use class as they did not fit into any specific category. He confirmed that any other use of the site other than as a car showroom would require planning permission for change of use.
- (3) Councillor Caulfield enquired how long the premises had been empty and regarding marketing of the site. It was explained that the site had been vacant less than 12 months, the previous application had been lodged 3 weeks after it had become vacant.
- (4) Councillor Kennedy asked to view the site plans and it was explained in answer to questions that no external alterations were proposed to the existing buildings, the existing access arrangements would remain, although overall there would be a net loss of 10 car parking spaces.
- (5) Councillor C Theobald enquired regarding access/egress arrangements for lorries delivering to the premises, it was confirmed that these would also remain unaltered.
- (6) Councillor Smart enquired whether there had been a change of ownership and it was confirmed that to date there had not. He also enquired whether in the event that planning permission was granted conditions could be included which would preclude the sale of goods other than furniture. It was confirmed that either, a personal

permission could be given or, limitations placed on the type of goods permitted to be sold.

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

- (7) Councillor Steedman stated that although sympathetic to the application he considered it was important to apply the Council's policies consistently, to ensure that they were not undermined. In this instance no evidence had been provided with the application to substantiate claims that this use would not be detrimental to nor undermine other nearby shopping areas or areas where there were vacant premises; nor had evidence been submitted indicating measures proposed to mitigate against any potential negative impact.
- (8) Councillor Davey was of the same view. It was important to uphold existing Council policies and processes and for exceptions to be made only in instances where adequate levels of supporting evidence had been provided.
- (9) Councillors C Theobald and Wells stated that they did not consider a negative impact would result. They considered use of the premises for the sale of furniture was acceptable.
- (10) A vote was taken and on a vote of 7 to 3 with 1 abstention planning permission was granted following a recorded vote.

113.8 **RESOLVED** - That the Committee has taken into consideration the recommendations set but resolves to grant planning permission subject to the conditions set out below. It is not considered that the proposed use would be detrimental to the vitality and viability of the Boundary Road/Station Road District Shopping Centre. The proposals would not therefore be contrary to policies SR1 and SR2 of the Brighton & Hove Local Plan.

#### **Conditions:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2. The use hereby permitted shall only inure for the retail sale and ancillary storage of the items listed hereunder and for no other purposes, including any other purpose falling within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987, as amended:

(a) furniture;

(b) such other items as have first been agreed in writing by the Local Planning Authority as falling within the category of "bulky goods"; and

(c) any ancillary small items usually associated with the sale of the above mentioned "bulky goods".

**Reason:** To ensure that the use hereby approved does not cause detriment to the vitality and viability of the Boundary Road/Station Road District Shopping Centre and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan.

3. The use hereby permitted shall not be open to customers and no deliveries shall be taken or dispatched from the site except between the hours of 08.00 and 18.00 on Mondays to Saturdays and 10.00 and 16.00 on Sundays.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

4. The use hereby approved shall not commence until the parking area has been laid out in accordance with details submitted to and approved in writing by the Local Planning Authority, which shall incorporate two disabled persons parking spaces. The parking area shall be retained in accordance with the details approved.

**Reason:** To ensure that adequate parking is provided and retained and to comply with TR19 of the Brighton & Hove Local Plan.

5. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of and visitors to the development at all times.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and comply with policy TR14 of the Brighton Hove Local Plan.

6. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

7. Within one month from its installation on the site, the storage container hereby approved shall be painted in a colour to be agreed in writing by the Local Planning Authority and shall thereafter be retained.

**Reason:** To safeguard the visual amenities of the area and to comply with Policy QD1 of the Brighton & Hove Local Plan and QD2 relating to the key design principles for neighbourhoods.

**Note 1:** Having spoken in support of the application in his capacity as a Local Ward Councillor Hamilton withdrew from the meeting and was not present during the discussion or decision making process.

**Note 2:** Councillor C Theobald proposed that planning permission be granted, this was seconded by Councillor Mrs Cobb and a recorded vote was taken. Councillors Carden, Caulfield, Mrs Cobb, McCaffery, Smart, C Theobald and Wells voted that planning permission be granted. Councillors Davey, Kennedy and Steedman voted that planning permission be refused. Councillor Hyde, the Chairman abstained. therefore on a vote of 7 to 3 with 1 abstention planning permission was granted.

H. **Application BH2009/00422, 23A & E Coleridge Street** – Change of use from office (B1) to six self-contained flats with formation of balconies to front elevation and demolition of single storey rear section to no. 23A and 23E.

(1) Members considered that it would be appropriate to carry out a site visit prior to determining the application.

113.9 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

I. **Application BH2009/01561, 130 Cowper Street, Hove** – extension above valeting shop (B1) to create office space (B1).

(1) The Planning Officer, Mr Wright gave a presentation detailing the proposals. The proposed use suitability of the design, its appearance and visual impact on the street scene on neighbouring amenity sustainability and transport issues had been considered. Although the development had been scaled back from that shown on an earlier application it was still considered that the development would have an overbearing impact and would lead to an increased sense of enclosure to the detriment of residential amenity. In addition, the applicant had failed to demonstrate the need for the new office space. Refusal was therefore recommended.

(2) Mr Martin spoke on behalf of the applicant in support of his application. He considered refusal was unjustified; the Council's own policies generally supported such small business use. There was a similar mix of business/workshop/residential uses in the surrounding area, which was characterised by narrow Victorian plots. The appearance of the existing building would be improved significantly and the proposed development would "finish" the end of the terrace and the turn into Westbourne Street. The enhanced premises would provide additional employment for three people Any concerns regarding potential visual intrusion/loss of amenity could be addressed by condition.

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

(3) In answer to questions, the Deputy Development Control Manager, Mr Vidler stated that this application was very similar to an earlier refused application. It was not considered that the earlier reasons for refusal had been overcome.

(4) Councillor Kennedy asked to see an artists impression of the upper floors of the building and enquired as to the rationale (as appeared to be the case) for bringing the front of the building forward of the existing building line.

(5) Councillor Davey also sought clarification regarding positioning of the building's proposed frontage the position in relation to the established building line. He also enquired whether the proposal would result in an intensification of the existing business use.

(6) The Chairman commented on the appearance of the proposed location in relation to the building located directly opposite.

- (6) Councillor Mrs Cobb asked whether it would be possible for a condition to be imposed to prevent the proposed office at first floor level from being converted in to a flat. The Deputy Development Control Manager, explained that would not be necessary as this would require further planning permission.

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

- (7) Councillor Davey considered the proposal which would be forward of the existing building line would be incongruous and out if keeping with its surroundings.
- (8) Councillor Kennedy stated that in terms of its design, scale and massing the proposal was not appropriate to this site. Objections had been received from all of the residents who would be directly affected. Their concerns regarding overlooking and loss of amenity should be respected. In her view the building looked like a converted chapel and was out of keeping with its surroundings.
- (9) Councillor Steedman considered that the poor appearance of the existing building did not justify the changes proposed. Any alterations to the existing building should be in keeping with the urban grain and character of the area which in his view this proposal plainly was not.
- (10) Councillor Wells considered it was appropriate to provide office accommodation above the existing business use and supported the application.
- (11) Councillor McCaffery stated that she liked the design which would provide a suitable end to the existing terrace. Councillor Smart also concurred in that view.
- (12) Councillor C Theobald considered that the site was likely to be developed at some stage. As the proposal would improve the appearance of the building she considered it to be acceptable.
- (13) A vote was taken and on a vote of 6 to 5 with 1 abstention planning permission was granted following a recorded vote.

- 113.10 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out in Paragraph 8 of the report but resolves to grant planning permission as the applicant has demonstrated and expressed a need for office space at this location. The mass, scale and height of the development is not detrimental to the area or the street design. The following conditions to be applied:

#### **Conditions:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for such use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

4. No development shall take place until a written Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

**Reasons:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Structure Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 construction and Demolition Waste.

**Note:** Councillor McCaffery proposed that planning permission be granted, this was seconded by Councillor Carden. Councillors Carden, Caulfield, McCaffery, Smart, C Theobald and Wells voted that planning permission be granted. Councillors Mrs Cobb, Davey, Hamilton, Kennedy and Steedman voted that planning permission be refused. Councillor Hyde the Chairman abstained. therefore on a vote of 6 to 5 with 1 abstention planning permission was granted.

**114. 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**

114.1 **RESOLVED** – That the Following site visits by undertaken by the Committee prior to determining the application:

| Application:   | Site Visit Requested by:            |
|--|-------------------------------------|
| BH2009/00422 23A & 23E Coleridge Street                                  | Councillor Mrs Cobb                 |
| *BH2009/01729, Falmer Academy  | Deputy Development Control Manager  |
| *BH2009/02014 & 02015, The Old Market, 11A Upper Market Street, Brighton | Deputy Development Control Manager  |
| *BH2009/01464, Park House, Old Shoreham Road, Hove                       | *Deputy Development Control Manager |

\*Anticipated as applications due to be considered at the next scheduled meeting of the Committee.

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

115.1 **RESOLVED** – That those details of applications determined by the Director of Environment 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 Director of Environment. 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 (for copy see minute book). 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 these should in exceptional cases be reported to the Committee. This is in accordance with Resolution 147.2 of the then **Sub Committee on 23 February 2006**.

**116. NON-PUBLIC MINUTES**

116.1 **RESOLVED** – That the Chairman be authorised to sign the non-public minutes of the meeting held on 2 September 2009.

The meeting concluded at 6.00pm

Signed

Chairman

Dated this

day of