

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 21 NOVEMBER 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hawtree (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cobb, Davey, Gilbey, Hamilton, Mac Cafferty, Simson, Sykes and C Theobald

Co-opted Members: James Breckell (Conservation Advisory Group)

Officers in attendance: Paul Vidler, Deputy Development Control Manager; Aidan Thatcher, Senior Planning Officer; Shannon Waaldijk, Area Planning Manager (West), Mick Anson, Major Projects Officer; Steven Shaw, Principal Transport Planning Officer; Francesca Iliff, Sustainability Officer; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Services Officer.

PART ONE

102. PROCEDURAL BUSINESS

102a Declarations of substitutes

102.1 Councillor Sykes was present in substitution for Councillor Phillips. Councillor Simson was present in substitution for Councillor Wells.

102b Declarations of interests

102.2 Councillor Jones declared an interest in Item 107 D (Application BH2012/02766 Withdean Sports Complex, Tongdean Lane) by virtue of his membership of the gym operated by Freedom Leisure; he stated he would not take part in the debate or vote on this item and withdraw from the meeting during its consideration.

102.3 Councillor Cobb declared a disclosure pecuniary interest in Items 107 C&D (Applications BH2012/02765 & BH2012/02766 Withdean Sports Complex, Tongdean Lane) by virtue of her employment by Freedom Leisure who operated some of the facilities at the site; she stated she would not take part in the debate or vote on these items and withdraw from the meeting during their consideration.

102c Exclusion of the press and public

102.4 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.

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

103. MINUTES OF THE PREVIOUS MEETING

103.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 31 October 2012 as a correct record.

104. CHAIR'S COMMUNICATIONS

104.1 It was noted that Item 107K Application BH2012/02562 – Land to the rear of 29 Medina Villas had been withdrawn by the applicant prior to the meeting.

105. PUBLIC QUESTIONS

105.1 The Chair noted that one written question had been submitted for the meeting, and invited Ms Paynter to come forward and put her question to the meeting.

105.2 Ms Paynter asked the following question: “On January 1st, 2012, walk-in access to hard-copy planning applications was withdrawn by this council. Development Control insist people make do with online material, with or without City Direct staff assistance. 35-50% of mainly older people cannot use a computer and whilst an appointment can be sought to view the case officer’s hard copy at his/her convenience, the chances of many dozens adequately accessing the officer's hard copy of the Hove Square application will be zero.

It is unreasonable to insist the untutored study hundreds of pages online. Will you provide hard-copy access to planning applications over, say, 50 pages?”

105.3 The Chair thanked Ms Paynter for her question and the following response: “Although there are no plans to re-introduce walk-in access to hard copy planning applications planning application submissions can be viewed online 24 hours a day or the hardcopy case file can be made available at Hove Town Hall with 24 hours notice. Moreover, provided the officer is not working on the case, the case file can be made available on demand. In addition, an appointment to view large applications can be booked in advance with the case officer. Staff in City Direct at Hove Town Hall are on hand to assist any member of the public to view applications online.

You may recall that you asked a public question about consultation on the withdrawal of hard-copy access at Council on 22 March last. In his response to you Councillor Mac Cafferty advised that the withdrawal of the service followed a month of monitoring

the situation without hard copies being available in City Direct and was a common sense change to working practices, avoiding duplication of work and information. You were told that during that monitoring period of the 448 visitors to City Direct wishing to use the planning service only 4 needed assistance in viewing plans.

The Council is very keen to ensure that it is as inclusive as possible with regard to older people and the internet and has recently enhanced its Council Connect service in a number of libraries by providing volunteers to help people get online. This service will be expanded to include additional libraries in the New Year.”

105.4 Ms Paynter asked the follow supplementary question: “Can you confirm that this is Green Party policy, and not from Officers?”

105.5 The Chair stated that: “The decision to withdraw walk-in access to hard copy planning applications was made by the Head of Planning and Public Protection acting under his administrative delegated powers. The decision was triggered by the operational need to make cuts to the service budget and, as already stated, was a common sense approach to service requirements following a period of monitoring.

This is not a political matter, and there is a cross-Party working group that consider the operational side of the Planning Committee and look at these matters. As explained above the decision will be monitored to see how this operates in practice.”

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

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

Application:	Requested by:
BH2012/02416 – 107 Marine Drive, Rottingdean	Councillor Cobb
BH2012/02882 – The Bungalow, 11 Hangleton Lane	Councillor Hyde
BH2012/02675 – The Former Co-op Building, London Road	Paul Vidler, Deputy Development Control Manager

107. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Major Applications

A. BH2012/02378 - Brighton College , Eastern Road - Full Planning Permission - Full demolition of existing science department building and Blackshaw dining room and partial demolition of adjoining buildings and erection of new music and drama school buildings and dining hall with associated works.

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

- (2) The Senior Planning Officer, Aidan Thatcher, introduced application BH2012/02378 for planning permission and application BH2012/02379 for listed building consent and gave a presentation by reference to photographs, plans, elevational drawings and concept images. The application sought the demolition of the existing science departmental building and dining room and partial demolition of adjoining buildings, and the erection of new drama and music buildings and dining hall; the construction would take place in two phases. The site was located in the College Conservation Area and adjacent to the East Cliff Conservation Area. The buildings would be linked to the existing by a glazed foyer which would provide a covered access between the two buildings. The demolition of the existing science block would reveal an element of the original Gilbert Scott Building that was currently hidden from view, and this was viewed as a welcomed improvement. The application formed part of the masterplan for the site as a whole and was considered to improve the buildings in the context of the Conservation Area. The proposed landscaping and planting on the site was outlined; as well as the ecological enhancements on the site. The closest residential properties were approximately 50 metres away, and no adverse impact on amenity had been identified. An acoustic report had accompanied the application and outlined that the noise from the drama and music building would be below background noise levels from the nearest residential buildings. The Highways Officers considered the proposal would have minimal transport impact. The proposals achieved a BREEAM level excellent with over 60% in energy and water. For the reasons set out in the report the application was recommended for approval.

Questions for Officers

- (3) Councillor Sykes asked a series of question in relation to waste management on site, and in particular the treatment of materials from the demolition of buildings. Officers explained that schemes over £300k were caught by other existing legislation and a site waste management plan was not required with the planning application. Furthermore waste management formed part of the BREEAM assessment and there would be increased targets in relation to waste management; this would be audited and certified.
- (4) In response to a query from Councillor Carol Theobald the position of the existing buildings was confirmed as well as the proposed materials that would be used, and it was confirmed the building would be connected to the existing Lester building.
- (5) In response to a query from Councillor Cobb the position of the new buildings was clarified, as well the proposed materials on each one. Councillor Cobb asked if the final materials could be agreed by Committee with the provision of samples, and it was agreed that the final decision would be delegated to the Strategic Director, Place in consultation with the Chair, Deputy Chair and the two Opposition Spokespersons.

Debate

- (6) Councillor Carol Theobald stated that the application would greatly improve the faculties at the school.
- (7) Councillor Hyde welcomed the ecological enhancements on the site.

- (8) Councillor Gilbey stated that it was clear from the site visit that the existing science block was dated and needed work to improve it; she welcomed the application.
- (9) Councillor Hawtree, the Chair, noted that the application would allow for the removal of a 50-60 year old building.
- (10) Councillor Sykes welcomed the improvement to the facilities at the site, but still noted he had some reservations in relation to waste management at the site. Following a further query it was explained that the development was too small to be conditioned in relation to thresholds to require the provision of local labour.
- (11) Mr Breckell stated that CAG had supported this application, and felt there were significant improvements to the context of the original Gilbert Scott Building.
- (12) Councillor Mac Cafferty stated his view that the architectural merit of the Gilbert Scott Building would not be harmed, and he would be voting in support of the Officer recommendations.
- (13) A vote was taken and planning permission was unanimously granted.

107.1 **RESOLVED** – That the Committee has taken into consideration, and agrees with the reasons for the recommendations, and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

B. BH2012/02379 - Brighton College, Eastern Road - Listed Building Consent - Full demolition of existing science department building and Blackshaw dining room and partial demolition of adjoining buildings and erection of new music and drama school buildings and dining hall with associated works.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) A vote was taken and listed building consent was unanimously granted.

107.2 **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** listed building consent subject to the Conditions and Informatives in the report.

C. BH2012/02765 - Withdean Sports Complex, Tongdean Lane - Council Development - Permanent retention of West Stand, north west car park and western and eastern turnstiles. Temporary retention of changing room, 2 no. WC facilities and 6 no. storage containers for a period of three years including relocation of 1 no. storage container from west side of site to east side.

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

- (2) The Major Projects Officer, Mick Anson, introduced the item and gave a presentation by reference to plans, photographs and elevational drawings. The application was the resubmission of an earlier 2011 approval (BH2011/00973) to retain the facility. This earlier application was the subject of an application for judicial review on the basis that the application should have been accompanied by an Environmental Statement., notwithstanding that the application had been the subject of Environmental Impact Assessment screening opinion which had concluded that an Environmental Statement was not necessary. A revised opinion was issued in October 2011 in response to the legal challenge and again concluded that the development as approved would not have been EIA development under the new regulations. An EIA Screening Opinion had been undertaken in respect of this application and another, BH2012/02766, on the same site; it concluded that the application would not require an accompanying Environmental Statement. There was a nature reserve to the south of the site. The application sought the permanent retention of the west stand, north west car park and western and eastern turnstiles, and the temporary three year retention of other facilities on site including toilet facilities and storage containers. Many of the containers had been on the site for some time and the application was being used as an opportunity to regularise them on the site for the next three years. The layout of the north west car park would be reduced by 10 spaces to provide some screening for the neighbouring property at 25 Tongdean Lane. The application was recommended for approval subject to the conditions and informatives in the report and the receipt either of a screening direction made by the Secretary of State that the proposed development was not EIA development or notification that the Secretary of State had declined to make a screening direction.

Questions for Officers

- (3) In response to a query from Councillor Sykes the legal position in relation the Screening Opinions and the judicial review was explained, and it was highlighted that the hearing in relation to judicial review was scheduled for March 2013 to determine if the original 2011 application was lawful..
- (4) Councillor Carol Theobald asked a question in relation the removal of the 10 parking spaces; particularly was this necessary based on demand. In response it was explained that the car parks were usually under capacity, and it was considered the screening was necessary to reduce the impact on the neighbour; there was also sufficient parking elsewhere on the site. Following a further query in relation to the painting of the containers on the site it was explained that they would be painted to reduce the visual impact.
- (5) In response to a series of questions from Councillor Simson the following responses were provided: when the metal containers had been painted they would need to be maintained and any future application could consider this; the application sought the retention of the toilets as they were the only ones at one end of the complex and used by the athletics clubs; the biggest events at the site were current school sports days to which pupils normally arrived by bus and there was a condition in the report in relation to a travel plan and measures in place for events over 1400 spectators.
- (6) In response to a query from Councillor Gilbey it was explained that there was no resurfacing of the access steps from the north west car park proposed in this

application, and that some of the matters she was querying were addressed in Application BH2012/02766.

Debates and Decision Making Process

- (7) Councillor Jones stated he was familiar with the site and highlighted how close the car park currently was to the neighbouring property and welcomed these changes; he also stated that he had never seen the car park full when he had visited.
- (8) Councillor Simson stated that she welcomed the retention of the facilities, but requested that the containers be properly maintained over the three year period of the temporary permission.
- (9) Councillor Carden stated that he supported the application and welcomed the improvement to the facilities.
- (10) Councillor Carol Theobald stated that the site had trained top athletes in the past and she hoped this could happen again in the future.
- (11) A vote was taken and of the eleven members present planning permission was unanimously agreed.

107.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to Grant planning permission subject to the Conditions and Informatives set out in section 11 and the receipt either of a screening direction made by the Secretary of State that the proposed development is not EIA development or notification from the Secretary of State that he has declined to make a screening direction.

Note: Councillor Cobb withdrew from the room during consideration of this item as listed at 102.2.

Minor Applications

D. BH2012/02766 - Withdean Sports Complex, Tongdean Lane - Council Development - Erection of a 3 no. storey extension to existing tennis centre to provide additional health and fitness facilities and associated alterations including conversion of 2 no. squash courts to one fitness studio and crèche and creation of new covered cycle parking providing 16 additional cycle spaces (total 30). Installation of new insulated render to squash court buildings, 10 no. new AC units and 4 no. louvres to north elevation of tennis hall.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Major Projects Officer introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and concept images. The application related to the sports centre and squash buildings on the site of the previous application.. The proposal was for a three storey extension to the sports centre to

provide improved facilities and reconfiguration of some of the existing facilities on the site. Part of the current squash buildings would be converted to provide a fitness studio and crèche. It was highlighted that parts of the existing buildings would be refurbished and a new access point would be included for all the facilities associated with the sports centre. The three storey extension to the main building would accommodate additional gym facilities and a glazed façade. Cycle stands would be installed undercover in front of the new extension totalling 30 spaces, and one additional disabled parking bay would also be proposed at the front of the building. The applicant would also be providing safe access to the sports centre across the wider site, and tactile pavements to all the access points at the car park; furthermore a double bus shelter would be provided to replace the current single one. A travel plan would require the applicant to consider whether the athletics clubs should use the north east turnstiles to better spread parking demands across the site. The application was recommended for approval subject to the conditions and informatives in the report; an additional condition requiring a travel plan, an additional condition set out on the Late List requiring a new bus shelter and tactile paving and the receipt either of a screening direction made by the Secretary of State that the proposed development is not EIA development or notification that the Secretary of State has declined to make a screening direction.

Questions for Officers

- (3) Following a query from Councillor Carol Theobald Officers confirmed the dimensions of the proposed extension. In response to a further question it was confirmed that there were no proposals for use of the flat roof.
- (4) Councillor Davey asked if any photovoltaic panels had been considered on the roof, and it was explained that this had been considered, but it was not necessary as the application was for an extension.

Debate and Decision Making Process

- (5) Councillor Hawtree welcomed the intelligent use of the space that was already on the site.
- (6) Councillor Hyde welcomed the application and stated that the glazed extension would be a welcome addition to the current buildings that were 'industrial' in appearance; she also stated that any local improvements to sports facilities were welcomed. Councillor Mac Cafferty echoed these comments in relation to additional sporting and recreational facilities.
- (7) Councillor Carol Theobald expressed some concern in relation to the size of the roof, and stated that some residents were unhappy with the loss of the two squash courts and jacuzzi. Officers highlighted that the jacuzzi had become difficult to maintain in relation to costs and health and safety considerations; furthermore the squash club had not formally objected and it was expected a series of improvements would be made to the remaining squash facilities.

- (8) Councillor Simson stated it was her belief that national squash tournaments were hosted here and any refurbishment of the existing facilities would help ensure this sort of activity continue.
- (9) A vote was taken and the 10 Members present voted unanimously that planning be agreed.

107.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11, an additional condition requiring a travel plan, an additional condition set out on the Late List requiring a new bus shelter and tactile paving and the receipt either of a screening direction made by the Secretary of State that the proposed development is not EIA development or notification from the Secretary of State that he has declined to make a screening direction.

Note: Councillors Jones and Cobb withdrew from the room during consideration of this item as listed at 102.2 and 102.3.

E. BH2012/02416 - 107 Marine Drive, Rottingdean - Full Planning Permission - Demolition of existing dwelling with associated B&B facilities and erection of new building to provide 6no 2 bed flats and 1no 1 bed flat. Erection of 1no detached 4 bed house accessed via Chailey Avenue.

107.5 This item was deferred to allow a site visit to take place.

F. BH2012/02883 - 4 Tudor Close, Dean Court Road, Rottingdean - Listed Building Consent - Replacing existing brick external access steps and hard standing to front door with Victorian reclaimed brick steps and hard standing.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer introduced the item gave a presentation by reference to plans, photographs and sectional drawings. The application sought listed building consent for the steps outlined in the application; the current steps were unauthorised. The application site related to a two storey dwelling on the Grade 2 listed Tudor Close located in the Rottingdean Conservation Area; some of the features of the Close were highlighted to the Committee. The proposal would alter the brick type and height of each step to give an even step across the three steps. Furthermore the proposals would also reinstate the oak threshold at the bottom of the door. It was highlighted that a previous application for the steps as currently built had been refused. The key issues were outlined in section 8 of the report and related to the listed building; the application should be judged on the character of the original building and the character of the Close as a whole. The build outlined in the report would comprise of reclaimed bricks with lime mortar pointing. For the reasons outlined in the report the application was recommendation for approval.

Public Speakers and Questions

- (3) Mr Pollock spoke in objection to the application and stated that he spoke on behalf of the residents of Tudor Close, and he noted the previously refused application in 2011. He stated that the applicant had only addressed the unauthorised steps under the threat of enforcement action; he stated his belief that the owners had claimed they could not repair or restore the previous original steps as they were so deteriorated. The owners had deviated from the original design and step depth citing health and safety reasons, but no consideration had been given to the effect on other residents and the Close as a whole. Mr Pollock emphasised that it was the wish of residents that the steps be restored replicating the original design, and he expressed concern that if this application were approved it could set a precedent.
- (4) In response to a query from Councillor Simson Mr Pollock explained that he had not had a problem acquiring materials to maintain his own similar steps.
- (5) Following a query from Councillor Sykes Mr Pollock confirmed that all the steps in the Close followed the same design: one shallow step followed by two deeper steps, the steps as proposed would be of equal height and out of keeping.
- (6) In response to a query from Councillor Hyde it was explained that the hard standing patio was a feature of the Close, and when the previous steps were demolished this area had been raised; if the steps were put back in their original form then there would be a discrepancy between the patio and the steps.
- (7) Mr Bryant, a Rottingdean Parish Councillor, spoke on behalf of the Parish Council and stated that the Parish Council had asked that any replacement of the steps be undertaken in line with the original design. It was his view that the current steps had a detrimental impact on the rest of the Close. The proposals in the report would make the property out of keeping with the others in the Close; in coming to this position they had consulted with CAG who felt the design should be returned to the original to safeguard the character.
- (8) Mr & Mrs Hooper spoke in their capacity as the applicants and stated that the starting position for consideration of the application should be whether it met heritage requirements and whether it was safe. When they had purchased the property the steps were uneven, unsafe and in the worst state of repair of any of those in the Close. After replacing the original steps they had received complaints and it was agreed that the works did not amount to repair work, and after the first application was refused they worked closely with Officers to achieve a satisfactory resolution and replicate the design of the original steps. In summary they noted that the only difference was with the height of the steps.
- (9) Following queries from Councillor Hyde the applicants explained that they had discussed the type of bricks used with experts and they had explained that the porous nature of the bricks used was unsuitable for steps as they were damaged easily in wet and cold weather. They went on to explain that no two sets on steps in the Close were identical and each varied slightly. Finally they confirmed that the original steps dated back to the late 1920's and they had not consulted with Officers initially as they thought they were undertaking repair work.

- (10) Following a query from Councillor Carol Theobald it was explained that there was ongoing difficulty finding suitable bricks, and Mrs Hopper had visited five or six different brickyards. They would also use a variety of colours to achieve an authentic finish.

Questions for Officers

- (11) Councillor Davey cited the complexity of this matter and asked for confirmation on the position of the Heritage Officer and the context of the Close. It was confirmed that the other steps in the Close featured one shallow step proceeded by two deeper steps; the Heritage Officer had negotiated from the position that all the steps in the Close had slight differences to allow for varying ground levels. The application had been amended during the course of negotiations and the Heritage Officer had been consulted at each stage; the Heritage Officer considered that the proposed scheme was acceptable.
- (12) Councillor Sykes asked for more information in relation to health and safety concerns highlighted by the applicant, and Officers explained that the character of listed buildings could override the necessity to comply with Building Regulations.
- (13) It was confirmed for Councillor Simson that all of the steps in the close featured one shallow step proceeded by two deeper steps, and if the application were granted the steps would then be the only example of three even steps in the Close.

Debate and Decision Making Process

- (14) Councillor Hyde explained that she was already aware of this application, but as a Member of the Committee had neither commented nor visited the steps until the site visit to remain of a neutral mind. She highlighted that all residents wanted was for the steps to be reinstated as they had been built, and it was her view from the site visit that all the steps were nearly identical and the proposal should be judged on the original design and context.
- (15) Councillor Gilbey noted her agreement with Councillor Hyde's view, and went on to state that she could not see any reason why the steps could not be reinstated in line with the original design.
- (16) Councillor Simson echoed the comments of the two previous speakers and noted that CAG felt the steps should be reinstated in line with the original design and confirmed that she would not support the application.
- (17) Councillor Jones stated that he could not understand why the steps could not be replaced in line with the original design.
- (18) Councillor Hawtree noted the unique nature of the Close and highlighted that it was important to ensure this kind of detail was correct.
- (19) Before a vote was taken the Deputy Development Control Manager, Paul Vidler, noted that this was a subjective matter and there was a requirement that there be no adverse

effect on the listed building; Officers considered that the character of the listed building had not been damaged; it was also not always necessary for a strict replica.

- (20) A vote was taken on the Officer recommendation to grant listed building consent, but was not carried on a vote of 7 to 4 with 1 abstention. Councillor Hyde proposed reasons for refusal and these were seconded by Councillor Gilbey; a short adjournment was then held to allow Councillor Hawtree, Councillor Hyde, Councillor Gilbey, the Senior Lawyer, the Deputy Development Control Manager and the Senior Planning Officer to agree the proposed reasons for refusal in full. A recorded vote was then taken with the proposed reasons for refusal and Councillors Hawtree, Hyde, Cobb, Gilbey, Simson, Sykes and Carol Theobald voted that the application be refused; Councillors Carden, Davey, Hamilton and Mac Cafferty voted that the application not be refused, and Councillor Jones abstained from the vote.

107.6 **RESOLVED** – That the Committee has taken the Officer recommendation to approve into consideration but resolves to **REFUSE** listed building consent for the reason set out below.

- i. The design of the steps is out of keeping and therefore detrimental to the character of the listed building, the adjoining buildings and the setting of the courtyard, contrary to policies HE1 and HE3 of the Brighton and Hove Local Plan 2005. The steps and hardstanding should replicate the original design.

G. BH2012/01394 - Land adjoining 64 Connell Drive - Full Planning Permission - Demolition of existing garages and erection of a 2no storey, 3no bedroom end of terrace dwelling.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer introduced this application and gave a presentation by reference to plans, photographs and elevational drawings. The application sought the demolition of the existing garages and the erection of a two storey three bedroom end of terrace property. The proposed property would have similar dimensions the existing row of terrace properties, but would be 1.4 metres wider than the others. There was no objection to the principle of a property on this location. The site occupied a prominent position, visible from a number of vantage points, and the proposed property would be highly visible, detract from the character and appearance of the area and an overdevelopment. The proposal would make insufficient provision of amenity space and also included the reduction of amenity space to the neighbouring property; both spaces were considered inadequate for the size of the dwellings. It was also noted that there was sufficient capacity in the area for on-street parking and cycle storage at the property could be secured through condition. For the reasons set out in the report the application was recommended for refusal.

Public Speakers and Questions

- (3) Councillor Wells spoke in his capacity as the applicant and stated that the footprint of the building would be no larger than that of the existing garages on the site. There were many other properties in the area that had smaller amenity spaces than what was

proposed in the application, and there were communal green spaces adjacent to the site. A concept image was also used to demonstrate how the property would sit against the existing terrace, and it was highlighted that the building was wider than those existing to conform with lifetime homes standards.

- (4) Following a query from Councillor Davey it was explained that cycling provision could be provided on the end flank of the property.
- (5) Councillor Carol Theobald asked about the current use of the two garages, and it was explained one was used for general storage and another for a car. In response to a further query from Councillor Carden it was explained that the car and materials stored in garages could be taken away or stored elsewhere.
- (6) Following a query from Councillor Hyde it was confirmed that the plot in the agenda did not show the full extent of the proposed site. Officers confirmed the correct site plan.
- (7) Councillor a query from Councillor Cobb it was explained that part of the application allowed for a reconfiguration between the proposed site and the neighboring plot which was also owned by the applicant.

Questions for Officers

- (8) Councillor Hyde asked for more information in relation to the fenestration as mentioned in the report, and it was explained that the design of the existing properties in the terrace was with one large window at the first floor front; the proposals were for a property with two smaller windows.
- (9) It was confirmed for Councillor Sykes that the Officer opinion of inadequate amenity was based on the correct site plan.
- (10) Following a query from Councillor Cobb it was confirmed that the Council did not have minimum sizes in relation to amenity space; however, it was considered that amenity space of this size would not be likely to receive a recommendation for approval in relation to the size of the proposed dwelling.
- (11) In response to a query from Councillor Simson it was confirmed that in considering an application regard was given as to how a proposal would fit into the surrounding area and the amenity of the surrounding area.
- (12) It was confirmed in response to Councillor Gilbey that the plans did not show the existing conservatory at the neighbouring property.

Debate and Decision Making Process

- (13) Councillor Cobb noted her concern in relation to the fenestration, but stated her concerns did not extend to the amenity space as the application proposed more than some similar sized properties had.
- (14) Councillor Hyde highlighted that the property was wider than the existing to meet lifetime homes standards; she went on to state that although the amount of amenity

space was low there was a grassed communal area adjacent to the site. She stated the house was a good sized family home and she would be voting against the Officer recommendation.

- (15) Councillor Simson noted she was very familiar with this area and that the houses were laid out in a 'strange' manner. She stated that, rather than have a detrimental impact in the area the proposal would 'tidy up' the corner.
- (16) A vote was taken on the Officer recommendation to refuse full planning permission, but was not carried on a vote of 6 to 5 with 1 abstention. Councillor Hyde proposed reasons to grant and these were seconded by Councillor Cobb; a short adjournment was then held to allow Councillor Hawtree, Councillor Hyde, Councillor Cobb, the Senior Lawyer, the Deputy Development Control Manager and the Senior Planning Officer to agree the proposed reasons to grant in full. A recorded vote was then taken with the proposed reasons to grant and Councillors Hyde, Cobb, Gilbey, Hamilton, Simson and Carol Theobald voted that planning permission be granted; Councillors Jones, Carden, Davey, Mac Cafferty and Sykes voted that planning permission not be granted and Councillor Hawtree abstained from the vote.
- 107.7 **RESOLVED** – That the Committee has taken the Officer recommendation to approve into consideration but resolves to **GRANT** full planning permission for the reason, and subject to the conditions, set out below.
- i. The proposed development has no detrimental impact. It has adequate amenity space taking into account the large areas in front of the property. It is a good family home and tidies up the corner plot. It is wheelchair accessible and does not overlook or overshadow the adjoining property.

Conditions:

1. BH01.01 - Standard time condition
2. Drawing number condition
3. BH02.01 - No permitted development
4. BH02.08 - Refuse and recycling
5. BH03.01 - Samples of materials
6. BH04.01A - Lifetime Homes
7. BH05.01B - Code for Sustainable Homes Pre-Commencement Level 3
8. BH05.02B - Code for Sustainable Homes Pre-occupation Level 3
9. BH05.10 – Hardsurfaces
10. BH06.02 - Cycle parking details to be submitted
11. BH11.01 - Landscaping
12. BH11.02 – Landscaping implementation
13. BH08.01 – Contaminated land
14. BH06.06 - Reinstatement of crossover [serving the existing garages to Connell Drive]
15. BH16.01 – Biodiversity measures

Informatives:

- IN04.01 - Lifetime Homes
 IN05.02A - Code for Sustainable Homes
 IN05.10 - Hardsurfaces

IN08.01 – Contaminated land

IN06.06 – Reinstatement of redundant vehicle crossing

Note: Councillor Wells left the meeting after his presentation and subsequent questions, and was not present during the rest of questions for Officers, the debate and the vote on the application.

H. BH2012/02168 - 71 Lustrells Crescent - Full Planning Permission - Erection of a 2no storey two bed/study house.

- (1) The Senior Planning Officer introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and concept images. The application sought planning permission for the erection of a two storey two bedroom house; the site was located in the rear of the garden at 71 Lustrells Crescent, and a brick wall had already been erected to separate the two plots. The road was a small cul-de-sac characterised by large detached and semi-detached properties. There was a difference in level across the site of almost 3 metres as it sloped down. The proposal was a detached dwelling with amenity space to the rear and side; it would incorporate elements from nearby properties including gabled ends and balconies at the front level with a contemporary finish. A previous refusal had been dismissed at appeal, but the Inspector had not raised any objection to the principle of a detached dwelling on the site. It was considered that the proposed development was more in-keeping with the rest of the area, and the Inspector's concerns in relation to the scale of the house and usability of the amenity space had been addressed by the proposed levelling of much of the space. A daylight study had been undertaken and the property would be well within the guidelines; it was considered there would no harm to neighbouring amenity and there was a condition attached in the relation to the rear windows. The application was classed as greenfield and as such recommended to meet code level 5 for sustainability; there was also a condition in relation to an assessment of the Saxon grave site in close proximity. For the reasons outlined in the report the application was recommended for approval.

Public Speakers and Questions

- (2) Mr Lintott spoke on behalf of his mother Mrs Lintott, a neighbouring resident. He stated that he was raising a number of objections on behalf of 10 other households who had concerns in relation to overdevelopment of the site, design and the impact on parking pressures. He stated that the owner of the site was a property developer and had not addressed issues in relation to affordable and sustainable housing. The application was not supported by local residents and the application was taller and wider than the previous application and would have a detrimental impact on neighbouring amenity. He summarised by highlighting the negative effect the application would have on the surrounding area if granted.
- (3) In response to a query Mr Lintott confirmed the location of the annex at 8 Saxon Close.
- (4) Mr Burgess spoke in support of the application as the agent for application. He stated that the Inspector did not have any issues in relation to the subdivision of the plot; the size of the property; the local provision of on-street parking and the layout of the property. Instead there had been issue with the width of the house and this application

was for a wider and taller property with a levelled garden. A specialised daylight report had also been undertaken to demonstrate that the proposal meet with the required standards. The design now picked up on some of the other local features in the area, and it was hoped this application had successfully overcome the concern raised by the Inspector.

- (5) In response to a query from Councillor Simson it was explained that the rear garden was now level in an 'L' shape to the side of the property.
- (6) Councillor Hyde asked about the materials for the proposed build and it was confirmed that there would be wood cladding on the front gable; the main construction would be brick with aluminium door and window frames.
- (7) Councillor Simson asked if there had been any consideration of off-street parking, and it was explained that the original scheme had provided for this but it had been removed in the design process; it was highlighted that a parking survey had been submitted and that it concluded there were no parking issues in the area.

Questions for Officers

- (8) Councillor Hyde asked about the width of the plot and Officers confirmed the distance and explained that there were no concerns in relation to amenity or sunlight. The Inspector had also not raised any concerns in relation to the height of the building and the width of the plot.
- (9) Following a query from Councillor Cobb it was explained that wood cladding was not thought to be a feature of other properties in the street.

Debate and Decision Making Process

- (10) Councillor Mac Cafferty said that it was clear there were no objections to the principle of the scheme, and although he acknowledged the concerns of neighbours, weight had to be given to the view of the Inspector in relation to the principle of the development on the site.
- (11) Councillor Carol Theobald stated she was torn in relation to this application; it was her view that the application was tall and 'squashed' into the plot.
- (12) Councillor Cobb stated her view that the development should have included off-street parking.
- (13) Councillor Hyde asked if a condition could be added in relation to using quality timber for the cladding on the gable; Officers agreed that an informative could be added in relation to this matter.
- (14) Councillor Sykes stated that he was satisfied previous concerns had been addressed in this application, and he would be voting in support of the Officer recommendation.
- (15) A vote was taken and planning permission was granted on a vote of 9 in favour with 1 against and 2 abstentions.

107.8 **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 in the report.

I. **BH2012/02422 - 22 Brunswick Road - Removal or Variation of Condition** - Application for removal of condition 6 of application BH2011/03654 (Conversion of existing single dwelling to form 1no one bed flat and 1no four bed maisonette) which states that the development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

(1) The Area Planning Manager (West), Shannon Waaldijk, introduced the application and gave a presentation by reference the photographs and plans. The application sought the removal of a condition in relation to a car free development for application BH2011/03654 which had approved the conversion of the property into two units. The condition prevented residents of the property from applying for a parking permit. The application was close to a regional shopping centre and main bus routes and in a locality that was already heavily parking with great pressure on parking. For the reasons set out in the report the application was recommended for refusal.

Public Speakers and Questions

(2) Mr Burgees spoke in support of the application in his capacity as the agent for the applicant. He stated that the application was located in Controlled Parking Zone N where there was currently a 12 month waiting list for permits; if the condition was removed there would no additional permits granted in the zone as the number was fixed by the Council and a waiting list system was in place. It was stated that this policy had originally been drafted to facilitate larger city centre developments without the necessity for parking, and was not intended to be used as a blanket approach for smaller schemes.

(3) In response to a query from Councillor Hyde it was explained that the planning permission had not yet been commenced and the site, as a single property, current had one residents' parking permit.

(4) In response to a query from Councillor Davey it was explained that although a family did not have to own a car it was usually the case that they would require one.

Questions for Officers

(5) It was clarified for Councillor Davey that there was currently a single property on the site eligible for one parking permit; if the permission were implemented then there would be two properties on the site neither of which would be able to apply for a parking permit.

- (6) Councillor Simson asked if a permit could be retained for one of the properties, and Officers explained that the application as submitted was for the deletion of the condition, rather than a variation to enable one unit to be eligible for a permit.
- (7) Following a query from Councillor Sykes it was confirmed that a future owner of one of the properties could apply to vary the condition of the permission to remove the condition in relation to car free development. The Area Planning Manager (West) confirmed that future residents could still own and have access to a car: they just could not apply for a residents parking permit. The Deputy Development Control Manager also stated that it was his interpretation that the policy applied in all circumstances.
- (8) Following a query from Councillor Cobb it was explained that there would be several Car Club spaces within walking distance of the property.
- (9) Councillor Sykes asked if Officers felt the impact of parking was 'severe' and in response it was explained that the cumulative impact of several applications could be.

Debate and Decision Making Process

- (10) Councillor Hamilton highlighted the difference between owning and using a car, and stated that owners might use cars less in such city centre locations. It was his view that every resident should be entitled to apply for a parking permit.
- (11) Councillor Simson stated her view that the policy was unfair as it would not lead to the issuing of more permits in the zone.
- (12) Councillor Mac Cafferty highlighted the pressures of parking in this part of the city and the intensification of the issue through the lengthy waiting list. He stated that there was an element of the policy that lent towards being more car free in general terms. He would be voting in support of the Officer recommendation.
- (13) Councillor Gilbey stated her view that there would be a significant impact caused by the granting of the application.
- (14) Councillor Davey stated that the grant this application would undermine a key Council Policy; he stated that the city was the least car dependent city outside of London and this area had the longest waiting list in the city. He would be voting in support of the Officer recommendation.
- (15) Councillor Sykes highlighted the potential cumulative impact that could be caused through the granting of such application, and also highlighted that it could set a precedent for future applications.
- (16) It was confirmed for Councillor Cobb that the application would create additional demand in the zone if granted, but would not increase the number of permits issues.
- (17) Before a vote was taken the Deputy Development Control Manager highlighted the highly sustainable nature of the location.

(18) A vote was taken and the application was refused on a vote in 6 in favour to 6 against on the Chair's casting vote.

107.8 **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 **REFUSE** permission for the removal of the condition for the reason set out below.

- i. The development as approved is within a sustainable town centre location with high levels of parking pressure, and would intensify the residential use of the building. Insufficient information has been submitted to demonstrate that the condition should be removed or varied to allow the residents of the development to be eligible for parking permits, contrary to policy HO7 of the Brighton & Hove Local Plan.

J. BH2012/02882 - The Bungalow, 11 Hangleton Lane - Householder Planning Permission - Erection of single storey side, front and rear extensions incorporating associated roof alterations.

107.9 This item was deferred to allow a site visit to take place.

K. BH2012/02562 - Land to the rear of 29 Medina Villas - Full Planning Permission

107.10 This application was withdrawn by the applicant prior to the meeting.

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

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 had been lodged as set out in the agenda.

110. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

111. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

112. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

113.1 That the Committee notes the details of applications determined by the Strategic Director of Place 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 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.]

The meeting concluded at 6.28pm

Signed

Chair

Dated this

day of