

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 28 AUGUST 2013

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, A Norman, Phillips, Robins and Wells

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

Officers in attendance: Jeanette Walsh (Head of Development Control), Hilary Woodward, (Senior Solicitor), Nicola Hurley (Area Planning Manager), Anthony Foster (Senior Planning Officer), Adrian Smith (Planning Officer), Sanne Roberts (Heritage Officer), Steven Shaw, (Principle Transport Officer, Sustainable Transport) and Ross Keatley (Democratic Services Officer).

PART ONE

50. PROCEDURAL BUSINESS

50a Declarations of substitutes

50.1 Councillor Ann Norman was present in substitution for Councillor Carol Theobald; Councillor Robins was present in substitution for Councillor Hamilton and Councillor Phillips was present in substitution for Councillor Littman.

50b Declarations of interests

50.2 Councillor Cox referred to Application BH2013/01720 – Aldrington C of E Primary School, Eridge Road, Hove, and explained he was the Secretary of Brighton & Hove Cricket Club, and involved in the sports and football clubs. He explained that he remained of a neutral mind and had not predetermined the application; he would therefore remain present at the meeting during the consideration and vote thereon.

50.3 Councillor Phillips referred to Application BH2013/01860 – Police Station, Holland Road, Hove, and explained that she had been involved with the campaign as part of 'Action for Kids' approximately four years, and it had been her suggestion to consider the site for a school. She explained that she remained of a neutral mind and had not predetermined the application; she would therefore remain present at the meeting during the consideration and vote thereon.

50c Exclusion of the press and public

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

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

51. MINUTES OF THE PREVIOUS MEETING

51.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 7 August 2013 as a correct record.

52. CHAIR'S COMMUNICATIONS

52.1 The Chair highlighted mandatory Planning training for Councillors on the Planning Committee taking place on 8 October 2013 at 10.00am in the Council Chamber at Hove Town Hall.

53. PUBLIC QUESTIONS

53.1 There were none.

54. 1-50 PRESTON MANSIONS, PRESTON PARK, AVENUE, BRIGHTON: REQUEST FOR A VARIATION OF S106 25 AUGUST 2004 SIGNED IN ASSOCIATION WITH BH2004/00406/FP

54.1 The Committee considered a report of the Executive Director of Environment, Development & Housing in relation to 1-50 Preston Mansions, Preston Park, Avenue, Brighton: Request for a variation of s106 25 August 2004 signed in association with BH2004/00406/FP. The originally application provided 50 residential units, and 35 parking spaces; the scheme was granted permission in 2004 and completed in October 2006. In 2009 consultation commenced for a controlled parking zone, and was implemented in May 2010 – before this time residents had been able to park freely in the area. It was not considered that making residents of Preston Mansions ineligible would mitigate the impact of the development as such impacts had already been assimilated into the area, and it was recommended that the s106 agreement be varied to remove the ineligibility clause.

54.2 **RESOLVED** – That the Committee allow the completion of a variation to the s106 agreement dated 25 August 2004 relating to 1-50 Preston Mansions, Preston Park Avenue, Brighton to allow residents of the development to apply for residents' parking permits.

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

55.1 There were none.

56. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**Major Applications**

A. BH2013/01693 - Cardinal Newman Catholic School, The Upper Drive, Hove - Full Planning Permission - Erection of a new three storey detached building to the north of the existing school, alterations to existing Newman building, relocation of 40no car parking spaces to south east corner and associated works.

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

(2) The Case Officer, Jason Hawkes, introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application proposed the erection of a three storey sixth form block, and the site was located north of Old Shoreham Road. The school was a mixed secondary Catholic Comprehensive School for pupils aged 11-18; with two large playing fields on the north side of the school. The new sixth form block would allow for an extra 150 pupils and three staff; as well more space and better facilities. The application had sought to reduce the impact of the three storey building by partially excavating so that the building would appear as two storeys from the northern elevation; there would also be photovoltaic panels on the roof. The application proposed the loss of some outside space at the school which policy sought to protect; however, the application involved the relocation of an existing car park to an area of underused hardstanding, and as such there was no objection from Sport for England. The application was considered to be well designed with an appropriate mix of materials, and although it would be higher than the adjacent Newman building it was considered acceptable given the substantial distance to the nearest residential properties. It was also noted that there would be no net loss of parking on the site, and the building would achieve BREEAM level excellent. For the reasons set out in the report the application was recommended to be minded to grant subject to the completion of a s106 agreement and the conditions in report.

Questions for Officers and Decision Making Process

(3) It was confirmed in response to a query from Councillor Hyde that the proposed s106 contributions were in line with the prescribed formula used by the Council. Councillor Hyde noted that she was not in support of the proposed level of contribution towards highway improvements.

(4) It was confirmed for Councillor Davey that some of the s106 monies would be used for improvements to cycling infrastructure in the area.

(5) A vote was taken and planning permission was unanimously granted.

56.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to be **MINDED**

TO GRANT planning permission subject to the conditions and informatives set in the report and the completion of a s106 agreement.

Note: Councillor Wakefield was not present at the meeting.

B. BH2013/01720 - Aldrington C of E Primary School, Eridge Road, Hove - Council Development - Extensions and alterations to school building including erection of two storey block and creation of link corridor, erection of single storey extension to school hall, erection of single storey extension and creation of new main entrance to school. Internal remodelling, creation of new parking spaces, landscaping, alteration to west boundary and associated works.

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

(2) The Case Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application sought to increase the capacity of the school from 218 to 436 pupils; access to the school was via Nevill Road, and the site was surrounded by residential properties and Blatchington Mill School. The current configuration was largely a single storey building, and the proposals sought permission for a mixed one and two storey extension providing six additional classrooms and communal facilities. To compensate for the loss of the hardstanding a plot of land would be transferred from Blatchington Mill School. The additional school places would be filled incrementally each academic year – for a period of seven years. The change would also incorporate three additional disabled spaces and a new cycle shelter – as well as a new hedge boundary. The key issues related to the design; impact on neighbouring amenity and transport implications. It was noted that the two storey extension would be the only building of this height on the site, but it would be not excessive in the context of the wider area and was located on the north of the site. Overall the scheme was considered appropriate and preserved the design and character; the nearest residential properties would be located a minimum of 12 metres away, and the play areas would be further away from the residential properties. The application sought contributions towards sustainable transport, and a walking bus scheme to the amount of £60,000. The application was recommended for approval subject to the conditions set out in the report.

(3) A vote was taken and planning permission was unanimously granted.

56.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set in the report.

Note: Councillor Wakefield was not present at the meeting.

C. BH2013/01254 - 18 Wellington Road, Brighton - Full Planning Permission - Demolition of existing building and construction of two separate 3 storey high blocks comprising 31 one and two bedroom flats together with associated car parking, cycle parking amenity space and bin storage.

56.3 This application had been was deferred from the agenda.

- D. BH2013/01860 - Police Station, Holland Road, Hove - Full Planning Permission -**
Change of use from police station (sui generis) to junior school (D1), including part two and part three storey extension to rear to create school hall and 2no classrooms, partial demolition of rear garages and alterations to fenestration, boundary fences and landscaping.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
 - (2) The Case Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application sought consent for a change of use from a Police Station to satellite site of West Hove Primary School. The building was a purpose built four storey Police Station that had been vacant since early 2013; the site was opposite residential properties, and next to a telephone exchange – with other blocks of flats to the rear. Each of the four storeys would be used to accommodate a year group, and there would also be a three storey extension to the rear – as well as other minor alterations to the fenestration and the provision of new ventilation. The application also proposed the removal of all but three of the rear garages, and the existing parking area would be retained to be used as a playground – an area of grass at the front of the site would also be adapted for play use. The application also proposed no on-site parking, and a mesh security fence would be erected around the site, and apple trees would be planted.
 - (3) The key issues related to principle of the change of use; the impact on neighbouring amenity; the design and transport matters. It was acknowledged that there was a shortage of primary school places in Hove, and given this need positive weighting was placed on the principle of the change of use. The application would retain the building with only minimal changes, and the rear extension would be subordinate and inset. It had been considered that the choice of materials was not appropriate, and a condition within the report sought the approval of different materials. Acoustic reports had been undertaken to assess the impact of noise from the site when it would operate as a school, and given the number of nearby residential units a playground management plan would be sought through condition. In relation to traffic it was acknowledged that the school would create a considerable increase in trip numbers at the beginning and end of the school day; however, measures in relation to sustainable transport would help to mitigate this impact. For the reasons set out in the report the application was recommended for approval subject to conditions.

Questions for Officers

- (4) In response to Councillor Robins it was confirmed by the Sustainable Transport Officer, Steven Shaw, that there would not be any on-site parking for staff, and this had been seen as important to help reduce the conflict on site between vehicle and pupil movements. Councillor Cox also added that when the site had operated as a Police Station there had been approximately 400 staff using the site without any provision of staff parking – aside for operational vehicles.
- (5) Councillor Ann Norman asked about the parking controls in place on Holland Road, and it was explained that there was currently a mix of drop kerbs for off-road parking;

residents permit bays and shared use bays. The scheme proposed some small changes around the entrances to the site as well as the provision of a crossing point and some raised tables in the street. It was envisaged the transport management plan and the associated works to the street would help mitigate problems in relation 'unsociable' stopping and parking.

Debate and Decision Making Process

- (6) Councillor Hyde stated that she appreciated the need for additional school places; however, she felt that the site was too small and it would generate a significant amount of additional traffic. She went on to note that there could be problems if parents had to drop their children off at both of the satellite sites (Connaught Road and Holland Road), and hoped the school would consider measures to address this. She concluded by stating that it be better to see a new junior school and building.
- (7) Councillor Davey noted that the location was very appropriate given the local availability of sustainable transport; he noted parents would welcome the scheme, and suggested that the biggest challenge would be to ensure the best use of the s106 monies.
- (8) The Case Officer noted that the school was aware of the potential problem for parents with children at the two satellite locations, and explained that this would be addressed through the travel plan condition and the school had considered measures such as staggering the start times.
- (9) A vote was taken and planning permission was unanimously granted.

56.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set in the report.

Note: Councillor Wakefield was not present at the meeting.

Minor Applications

- E. **BH2012/04035 - 43 Russell Square, Brighton - Full Planning Permission - Change of use from single dwelling (C3) to House in Multiple Occupation (Sui Generis) on upper floors and 1no one bedroom basement flat. Alterations including increased roof height of rear extension and provision of slate roof. (Part Retrospective)**
 - (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application site related to a four storey mid-terrace property on the southern edge of Russell Square; planning permission was sought for a change of use to create a one bedroom flat on the basement floor, and a house in multiple occupation (HMO) on the other floors for five HMO type units – the application also sought the provision of new windows. A late letter of representation had been received from one of the Local Ward Councillors, Ania Kitcat, highlighting the stress the development would cause to the listed building; overcrowding; safety hazards and the increased level of HMOs in the area. The Local Plan supported the provision of HMOs, and stated that it was

necessary to have an adequate provision within the city; the ward was also outside of the area for the new Article 4 Direction in relation to buildings in type C3 and C4 use. The mapping exercise had also been undertaken and found only one other registered HMO within a 50 metre radius (giving a percentage of 0.4% - which would increase to 0.8% with the inclusion of the site) which was compliant with policy. The proposal was acceptable and considered appropriate. For the reasons set out in the report the application was recommended for approval.

Public Speakers and Questions

- (2) Ms Julie White spoke on behalf of Ms Jenny Piercy, a local resident, and stated that almost all of the residents were against the application. She highlighted that policy sought to create and protect mixed and balanced communities; however, this application would not achieve this as the area had a number of guest houses as well as three large hostels and needed more family homes. Ms White referenced a murder at the property and noted that the area was already a 'hotspot' for anti-social behaviour. It was considered that an HMO would not help to balance the community as, she believed, some of the guest houses were already operating as unlicensed HMOs, and the Committee were not in receipt of information from the Electoral Roll and Council Tax records that would support this. The Committee were asked to take a common sense approach to the application and exclude Sussex Heights from the calculation in relation to HMO density; furthermore it was noted that that property was already in a very poor state of repair and the change of use could further add stress to the building. Issues in relation to overcrowding and fire hazards were also cited as reasons for the refusal.
- (3) Councillor Robins asked about the current occupants of the house and in response Ms White explained that there had previously been one resident.
- (4) Councillor Davey asked about the mix of types of dwellings in the area, and Ms White explained that it was a mix of guest houses, hotels and residential flat conversions – she stated that no. 43 had been the sole remaining building in Russell Square that was a single unit.
- (5) Councillor Jones asked if the house had previously been flats, and Ms White explained that she was not sure, but noted it had had squatters recently and had been a family home for many years.
- (6) Dr Raouf spoke in his capacity as the applicant and stated that when he had purchased the house it had been in use as eleven bedsits, and this was documented by the Council. He stated that upon buying it immediate work had been undertaken due to the very poor state of repair, and the property had been reconfigured in a manner very close to the original layout. It was his intention to retain the use as an HMO, and he had agreed to make the basement unit a separate dwelling. The potential monthly rental price of £325-350 would be affordable for low wage retail workers, and opened up the rental market for people in a lower income bracket. Mr Raouf concluded that the property had been an unregistered HMO for some years, and it was no longer suitable to be a family dwelling as it was too large and many of the original features were lost.

- (7) In response to a query from Councillor Cox it was explained by Dr Raouf that when let the property would be supervised through a managing agent, and cleaners would be employed.
- (8) Mr Gowans asked queries in relation to sound and fire proofing; however, this latter matter related to Building Control and was not within the remit of the Committee to consider.
- (9) Councillor Davey asked how many people would be living in each of the units, and Dr Raouf explained that each would be let to two people, but in reality it was very difficult to control the number of people living at the property.

Questions for Officers

- (10) In response to a query from Councillor Gilbey it was explained that Officers were not able to elaborate on the detail of the planning history in the report as this was all the information they held.
- (11) Councillor Davey asked for more information about other HMOs in the area, and it was explained that the immediate 50 metre radius had a low proportion; however, if Sussex Heights were removed the calculation would still give a figure below the 10% outlined in policy.

Debate and Decision Making Process

- (12) Mr Gowans explained that the Conservation Advisory Group (CAG) were recommending refusal to the Committee; he stated the use of the building would be very intensive and he was alarmed at the applicant's comments that the number living inside the property could not be controlled. He stated that the building was small and expressed concern about potential access to a roof terrace through a window.
- (13) Councillor Cox stated he was concerned about the application, and felt that the approach lacked common sense as Sussex Height was an anomaly in the area. This building was the last remaining single house, and the application sought to turn it into something that would fall short of decent homes standards. He also felt a very compelling argument had been put forward by the Local Ward Councillor and that this application would be a step backwards for Russell Square.
- (14) Councillor Carden noted that he welcomed the addition of a sprinkler system.
- (15) Councillor Davey stated that the decision was difficult, but had concerns about the potential number of people living at the property – he was considering voting against the Officer recommendation.
- (16) Councillor Hyde noted that she agreed with both Councillors Cox and Davey; she was very uncomfortable with the application and noted that the building was Grade 2 listed and felt the proposed use would undermine the listing.

- (17) Councillor Jones noted that he felt the points in relation to the affordable housing for young people in the city were compelling; however, he noted the use would be very intensive.
- (18) Councillor Robins felt that the change to an HMO was inevitable.
- (19) Councillor Phillips noted she was of two minds in relation to the application, and it was clarified that the Committee could not impose conditions in relation to occupancy numbers as this was covered by separate legislation.
- (20) Before a vote was taken the Area Planning Manager noted that there was already an approved permission for listed building consent for the internal alterations, and the property would have to meet the necessary standards for HMOs – this would require licensing under separate legislation.
- (21) A vote was taken and the Officer recommendation to grant was not carried on a vote of 5 in support, and 6 against. Councillor Cox proposed reasons for refusal and these were seconded by Councillor Davey; a short recess was then held to allow Councillor Mac Cafferty; Councillor Cox; Councillor Davey; the Head of Development Control; the Senior Solicitor and the Area Planning Manager to draft the reasons for refusal in full. These reasons were then read to the Committee and it was agreed that they reflected what had been put forward by Members. A recorded vote was then taken and Councillors: Hyde, Cox, Davey, Gilbey, Ann Norman and Wells voted that planning permission be refused and Councillors: Mac Cafferty, Jones, Carden, Robins and Phillips voted that it be granted.

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

- i. The intensity of use by virtue of the subdivision of the building would be harmful to the amenity of future occupiers of the building and to nearby residents contrary to policy QD27 of the Brighton and Hove Local Plan 2005
- ii. The proposed development by virtue of its high intensity residential use will lead to an imbalance of types of residential use within the surrounding area contrary to policy QD27 of the Brighton and Hove Local Plan 2005 and policies SA6 and CP21 of the emerging City Plan Part 1.

Note: Councillor Wakefield was not present at the meeting.

F. BH2013/01296 - Land To Rear of 141 Stanmer Park Road, Brighton - Full Planning Permission - Erection of 1no two bedroom detached dwelling.

- (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 planning permission was granted on a vote of 10 in support with 1 abstention.

- 56.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set in the report.

Note: Councillor Wakefield was not present at the meeting.

G. BH2013/01893 - 58 Dean Court Road, Rottingdean, Brighton - Householder Planning Permission - Erection of two storey side and rear extension with a loft conversion incorporating roof extensions, rooflights and associated external alterations.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application related to a two storey detached property on Dean Court Road, and sought permission for an extension and roof lights. The main considerations related to the design of the extension and the impact on amenity. It was considered that this application was sympathetic; however, the overall depth was still considered excessive and harmful to the character of the building; as was the overwhelming scale and bulk of the proposals. Whilst revisions to the scheme had reduced some of the height and bulk it still stood that Officers were of the view that the proposals would be overly dominant and overbearing. For the reasons set out in the report the application was recommended for refusal.

Public Speakers and Questions

- (3) Ms Ganding spoke in her capacity as the agent on behalf of the applicant Mr Harding. She stated that the application sought an extension the owner's family home. The family had three children, and the current arrangements were not sufficient for their needs; the family loved living in the area and all the children went to local schools, and enjoyed the access to local facilities. The accommodation needed to be bought up to a family standard, and since the refusal of the previous application close work had been undertaken with neighbours to overcome their concerns, and the current application had no objection from them. The scale of the roof had been reduced, and it was considered the harm would be reduced through the provision of a mature boundary. The only part of the proposals that would be visible from the front of the property would be the side utility area, but this would be set back and subordinate. The applicant accepted that the proposals would increase the depth, but the overall increase was not huge and the neighbouring house was set forward which helped to obscure the view. It was reiterated that the extension was to accommodate the family; there was no objection from the immediate neighbour and the extension would fit in with the surrounding area.

Debate and Decision Making Process

- (4) Councillor Hyde stated that she shared the concerns in relation to the impact on neighbouring amenity; however, she highlighted the mature boundary of shrubs and trees. There would be no impact on the street scene, as the extension was at the rear,

and she stated that the neighbouring property (no .56) appeared to be more out of keeping with the rest of the road generally. Councillor Hyde reiterated some of the points made by the applicant's agent in relation to the needs of the family, and stated that she believed this was a good planning application. There would be no impact on neighbouring amenity; the property was not overlooked, and suitable amendments had already been made to the scheme. She stated she would be voting against the Officer recommendation.

- (5) Councillor Gilbey noted that there was space at the rear of the property; however, she did not feel the vegetation would create sufficient screening; the property would protrude significantly at the rear and it would impact on neighbouring amenity. She stated she felt the application was overdevelopment of the site.
- (6) Councillor Wells stated that the street was a mix of different building; there were no objections from neighbours and he would be voting against the Officer recommendation.
- (7) Councillor Philips stated she would be voting against the Officer recommendation; she considered that the applicant had worked closely with their neighbours and she saw no reason to refuse.
- (8) Councillor Ann Norman noted that there recently been two similar types of proposals in her own ward which had worked well; she noted there were no objections and the applicant had worked well with both their neighbours and the Council.
- (9) Councillor Cox stated that he liked the design; he was not so taken with the arguments in relation in the neighbour objections, but felt the proposals were good.
- (10) The Head of Development Control noted the credentials of the architect were not material planning consideration, and that the mature boundary could in future be removed and it was necessary to protect amenity for future occupants, as well as current ones. The Senior Solicitor noted that personal circumstances were capable of being given weight by the Committee, but these should be considered only in extreme circumstances.
- (11) Councillor Jones noted that he saw the compelling case for the proposals; however, as he had concerns in relation to scale of the extension he would abstain from the vote.
- (12) A vote was taken and the Officer recommendation to refuse was not carried on a vote of 3 in support; with 5 against and 3 abstentions. Councillor Hyde proposed reasons for approval and these were seconded by Councillor Wells. These reasons were then read to the Committee, and it was agreed they reflected what had been put forward by Members. A recorded vote was then taken and Councillors: Hyde, Cox, Phillips, Ann Norman and Wells voted that planning permission be granted; Councillors: Mac Cafferty, Gilbey and Robins voted that it be refused and Councillors: Jones, Carden and Davey abstained from the vote.

56.7 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation to refuse, but resolves to **GRANT** the application for the reason set out below.

- i. The scale, design, siting and bulk of the proposed development would comply with policies QD14 and QD27 of the Brighton and Hove Local Plan 2005. In particular there is no adverse impact on neighbouring amenity and no overlooking and the boundary is planted with mature shrubs and trees. Moreover there is no detrimental impact on the street scene and no properties to the rear with views of the rear extension. Some small amount of weight is given to the personal circumstances of the applicant.

Note: Councillor Wakefield was not present at the meeting.

H. BH2013/01566 - Woodvale Crematorium, Lewes Road, Brighton - Full Planning Permission - Installation of 16no illuminated bollards to South driveway.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. Permission was sought for the installation of 16 illuminated bollards on the southern side of the site which was located in the cemetery grounds along with the listed property. The driveway was currently lit by 10 columns up to the coroner's office; however, the remainder of the driveway was unlit. Supporting documentation had been submitted to demonstrate that funeral services could take place up to 16:30 hours and the area was very dark during this time in the winter. The bollards were of simple design and 1.1 metres high. The Ecologist had also stated that the application was unlikely to cause harm, and the hours of use would be restricted by condition. For the reasons set out in the report the application was recommended for approval.

Debate and Decision Making Process

- (2) Mr Gowans stated that the CAG 'were not enthusiastic about the application.'
- (3) Councillor Ann Norman stated that this scheme had been proposed some years ago; she was sorry it had taken so long to come forward, and stated that the stretch could be very unpleasant when dark.
- (4) A vote was taken and planning permission was unanimously granted.

56.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set in the report.

Note: Councillor Wakefield was not present at the meeting, and Councillor Robins had left the meeting during the consideration and vote on this application.

I. BH2013/01855 - The Bungalow, 11 Hangleton Lane, Hove - Full Planning Permission - Erection of single storey side, front and rear extension incorporating associated roof alterations.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings, and provided details in relation to the history of applications at this site. It was also noted that the recent Committee decision to refuse the previous application had been upheld by the

Inspector at appeal. The new application had an amended layout and removed the proposed large chimney. The application was recommended for approval for the reasons set out in the report.

Questions for Officers and Decision Making Process

- (2) It was clarified for Councillor Gilbey that the property was 8 metres away from the nearest property located within the conservation area.
- (3) A vote was taken and planning permission was unanimously granted.

56.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set in the report.

Note: Councillor Wakefield was not present at the meeting, and Councillor Robins had left the meeting during the consideration and vote on this application.

J. BH2013/01034 - East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton - Full Planning Permission - Extensions and alterations to the existing building to provide an additional 14no new hotel guest suites, enlargement of the one of the ground floor commercial units, refurbishment of basement car park into a multi-purpose music venue, the formation of a 3no bedroom penthouse flat, associated landscaping and alterations.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Case Officer, Anthony Foster, introduced the application and gave a presentation by reference to photographs plans and elevational drawings; the presentation related to both application BH2013/01034 for full planning permission and application BH2013/01035 for conservation area consent. The application site was on the east side of Jubilee Street, and the building was four storeys in height at the southern side of Jubilee Square with a basement car park. The two 2 storey mews properties were located at the northern end of Pavilion Mews in the North Laine Conservation Area. The proposals would provide an additional 15 hotel rooms; additional space at the ground floor; a green wall and assorted alterations to the basement car park to convert it to a music venue. It was noted that the Heritage Officer had objected to the scheme, and the CAG objected to the demolition of the mews properties. There was also a planning brief for Jubilee Street that referenced the strong cohesion of the buildings, and the prominence of the library in the scheme.
- (3) The main considerations related to the loss of the residential unit; the principle of the change of use and the impact on the character of the street scene and the conservation area. The loss of the residential unit was considered contrary to policy as the scheme proposed one unit gained against the two that would be lost. The Heritage Team had concerns that the proposed alterations would adversely impact on the character of the conservation area and the surrounding street scene in Pavilion Mews. There would also be an increased level of over and inter-looking. The Highways Officer

had objected as there was no provision for sustainable transport in the scheme. For the reasons outlined in the reports the applications were recommended for refusal.

Public Speakers and Questions

- (4) Mr Bareham, the agent, spoke in support of the application assisted by Mr Nicolson the applicant. He stated that the application would provide economic benefits, and extensive consultation had been undertaken with community groups. The existing hotel and associated businesses provided for 100 full and part and time jobs, and the proposal would allow for an additional 20 positions, and a projected additional 7000 visitor stays each year. The proposals were well designed and proportionate, and Mr Bareham was of the view that adherence to the Jubilee Street planning brief amounting to prejudgement of the application, and did not allow the scheme to be considered on its own merits. It was acknowledged that Jubilee Street had been very successful; however, it was felt that this did not prevent scope for alterations to the current configuration – furthermore the perceived relative height of the buildings would be in transition when viewed from different locations. The car park was currently not the best arrangement, and the proposals should be encouraged as an improvement. The scheme would provide significant job creation; was well design and respected the character of the area, and the scheme met provisions within the National Planning Policy Framework (NPPF).
- (5) Councillor Davey asked for more information on how the scheme would work with the building on the southern aspects. In response Mr Nicolson explained that the scheme had evolved by looking at how to make improvements to this aspect. Work had been undertaken so that the scheme would have as little impact as possible; the green wall would also help to soften the elevations and add green landscaping.

Questions for Officers

- (6) Councillor Phillips asked about the reasons for refusal in relation to sustainable transport, and in it was explained that it was a reason that needed to be included as this ensured that the matter would be considered by the Inspector if an appeal was lodged.
- (7) Councillor Hyde asked for more information in relation to the agent's view that adherence to the planning brief amounted the prejudgment of the application. In response the senior solicitor explained that the planning brief was a material planning consideration, and it would be necessary for Members to consider the appropriate weight to be given to it – as well as to all other material planning considerations..
- (8) Councillor Hyde asked why there were no comments from the Economic Development Team in the report, and in response Officers explained that they had been consulted during the consultation period; however, at this point the case had not been made in relation to employment at the site.
- (9) Councillor Davey asked for more information in relation to the mews properties; in particular their age and how they related the wider development of the Jubilee Street site. In response the Case Officer explained that the mews were part of the funeral directors that had previously occupied Pavilion Mews, and the two mews properties in

question had been used as storage. The properties had been retained when the site was development.

- (10) Councillor Davey also asked about the proposals for the area at the front of the hotel and the side where the current access to the basement car park was located. Officers explained that railings would be added to provide a smoking area, and there would be a new sign to the front of the building. The existing vehicular access would be removed and a new access to the music venue installed in its place, and two additional bedrooms built above.
- (11) Councillor Robins asked for more information in relation to the status of the two mews properties; particularly if they were protected or had any historical merit. Officers referred the Heritage Officer, Sanne Roberts, who explained that they were part of the conservation area, but had no special listing or protection; the original planning brief mentioned that they had been built as stables, and they had historic merit insofar as they were the remaining example of such buildings.
- (12) Councillor Hyde continued this line of questioning and noted that on the site visit Members had been told they were storage units that had been updated and refurbished when the hotel was built, but she did not believe they were original. Officers reiterated that they had been built as stables; they had been used as storage by the funeral directors, but were now in residential use and retained some of their historic integrity.
- (13) It was confirmed for Councillor Gilbey that the proposals would create a net loss of one residential unit as the two mews properties would be lost and the one penthouse unit would be built.

Debate and Decision Making Process

- (14) Mr Gowans explained that the CAG were recommending refusal on this application, and they had particular concerns in relation to the loss of the flint wall and they were strongly advocating the retention of the mews houses; he also drew attention to the submission from the Heritage Team in the report.
- (15) Councillor Hyde stated that when she had first read the report she had been in agreement with the Officer recommendation; however, since the site visit her view had changed. The southern elevation was bland, and the proposed changes would be an improvement – the access to the underground parking also detracted from the area generally. The application was also seeking to provide extra facilities for a ‘flourishing’ hotel which would bring additional business into the city. At the rear the plant equipment on top of the premises was quite prominent and the proposed extension would help to reduce the visibility of some of this. Councillor Hyde went on to say that she was pleased to see that the hotel was doing well, and it was good to encourage tourism into the city. She stated that during the site visit Jubilee Square had looked ‘brilliant’, but she had some reservations about the green wall on a northern elevation. On the whole she was not of the view that the loss of the two mews houses outweighed the wider benefits of the scheme, and she would not be supporting the Officer recommendation.

- (16) Councillor Wells stated that he could not see that there would be a detrimental impact on the existing buildings, and he felt development of this nature should be encouraged. He also felt that too much work had already been done on the original mews houses to justify any historic value, and the loss of the car park was acceptable.
- (17) Councillor Gilbey noted that on the site visit she had been against the loss of the residential units; she also stated that the new eastern elevation would appear as a large white wall and constitute overdevelopment. She went on to say that she liked the mews houses, and if they were removed the view from the entrance of Pavilion Mews through to the houses would be lost.
- (18) Councillor Davey stated he was in two minds in relation to this application; he stated that the current configuration on the southern elevation felt unfinished, but he was concerned about the loss of the two mews houses.
- (19) Councillor Jones echoed these comments; he stated he walked through this area often and was unhappy to see the historic buildings demolished, but the hotel improvements would make the building better. He stated that on balance he would support the Officer recommendation.
- (20) Councillor Ann Norman noted that this was a vibrant part of the city, and it was good to see a business that was successful and wanting to expand – which should be supported. The proposals would improve the appearance of the hotel, and help improve some of the views of the building. She stated that the decision was difficult as she saw the merits of protecting the flint wall; however, she did not feel she could support the Officer recommendation.
- (21) Councillor Mac Cafferty stated that the planning brief for Jubilee Street was already approximately 15 years old, and had reservations about attaching too much material weight to the document. The area had changed for the better in last 15 years, and the businesses should be supported in expanding. He stated that he attached some historic value to the mews houses, but they were not as important as other properties on Pavilion Mews, and he did not believe that the proposals would damage the cohesion of the wider area. On balance he stated he would not support the Officer recommendation.
- (22) A vote was taken and the Officer recommendation to refuse was not carried on a vote of 4 in support and with 7 against. Councillor Hyde proposed reasons for approval and these were seconded by Councillor Mac Cafferty. These reasons were then read to the Committee, and it was agreed they reflected what had been put forward by Members. A recorded vote was then taken and Councillors: Mac Cafferty, Hyde, Cox, Davey, Phillips, Ann Norman and Wells voted that planning permission be granted and Councillors: Jones, Carden, Gilbey and Robins voted that it be refused.
- 56.10 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation to refuse, but resolves to be **MINDED TO GRANT** the application for the reasons set out below and subject to conditions and a s106 agreement to be agreed by the Head of Development Control in consultation with the Chair, and in the event that conditions and s106 terms cannot be agreed the matter will return to Committee for determination.

- i. The proposed development is of high quality design and materials, is of appropriate height, scale and bulk and is well sited and thereby conforms with policies QD1, QD2, QD14, and HE6 of the Brighton and Hove Local Plan 2005. The Jubilee Street Master Plan is considered out of date in the context of this application and the area has changed in the intervening years.

Note: Councillor Wakefield was not present at the meeting.

- K. BH2013/01035 - East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton - Conservation Area Consent** - Demolition of East House, 7 and West House, 8 Pavilion Mews, Brighton. It was noted that this application had formed the subject of a site visit prior to the meeting.

- (1) Following the granting of Application BH2013/01034 - East House 7 & West House 8 Pavilion Mews & 17 Jubilee Street, Brighton for full planning permission the recommendation was changed to recommend that the Committee consider a minded to grant Recommendation with appropriate conditions to be delegated to the Head of Development Control

- 56.11 **RESOLVED** – That the Committee resolves to **MINDED TO GRANT** conservation area consent in the light of an acceptable replacement scheme (ref. BH2013/01034) having been granted planning permission. With appropriate conditions to be delegated to the Head of Development Control in consultation with the Chair of Planning

Note: Councillor Wakefield was not present at the meeting.

- L. BH2013/02063 - 41 Hove Park Road, Hove - Householder Planning Permission** - Remodelling and extension of main roof to facilitate loft conversion incorporating rooflights and a lantern light. Installation of lantern lights to flat roof at rear.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application site related to a large detached family home, and the application sought permission for the remodelling and extension of the roof to infill the area between the two gables and create additional accommodation on the second floor of the building. Since the closure of the agenda additional representations had been received from neighbours, Councillor Bennett and the applicant's agent. The recent adopted guidance for extensions and alterations was referenced and it was considered that the proposals would cause significant harm to the appearance of the property. The proposal to extend the roof-slope would create two additional bedrooms and an additional bathroom. It was felt that in isolation the roof form would not appear unusual; however, the creation of a flat area of flat roof would be out of keeping and an unusual roof form. Officers were of the view that resulting form would be dominant and create an awkward, contrived roof scene. For the reasons outlined in the report the application was recommended for refusal.

Public Speakers and Questions

- (2) Mrs Barwell spoke in support of the application in her capacity as the applicant. She stated that she and her husband had bought the property six years ago and that the roofline already appeared odd when compared to the other houses in the street. The property was very bottom heavy, and the original 1920's roof was currently in a very poor state of repair, and the application sought to remedy the existing odd roof form. It was important for the family to stay in the area, and they had consulted with neighbours who also felt the proposal would be an improvement on what was currently there. They had worked closely with their architect to create an aesthetically pleasing design and wanted it to appear better from the rear of the property. The property was also set quite far back from and not very visible from the street. Mrs Barwell stated that she hoped her presentation had demonstrated that the proposals would have less of an impact than the Officer report suggested.
- (3) Councillor Bennett spoke in support of the application in her capacity as the Local Ward Councillor. She stated that the proposals were very similar to other schemes in her ward that had also recently received consent at Committee. The proposals would enhance the appearance of the property. There were six letters of support – including both Ward Councillors, and there would be no loss of privacy, sunlight or amenity for neighbours. The application would enhance the street scene and the Committee were asked to grant the application.

Questions for Officers

- (4) Following queries from several Members some of the images used during the presentation were shown to the Committee again.

Debate and Decision Making Process

- (5) Councillor Wells stated that he quite liked the application as it would infill the gap between the ridges appropriately. He stated he had no objection to the scheme and would be voting against the Officer recommendation.
- (6) Councillor Hyde stated that the building and roof form were 'ugly'. She felt that the application would tidy up the roof shape, and could not see any reason to refuse the application.
- (7) Councillor Phillips stated that she did not think the building was unattractive, and that the proposed design at the back would be better; however, she felt that the proposed form at the front would be unsightly and as such she would be voting in support of the Officer recommendation.
- (8) A vote was taking and planning was refused on a vote of 5 to 5 with one abstention on the Chair's casting vote.

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

Reasons for Refusal:

- i. The development by reason of its design and form in relation to the existing house and in the context of the surrounding area would create contrived and disjointed roof to the building which fails to respect the existing features of the property and harm the existing character and appearance of Hove Park Road. The development is therefore considered contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document – Design Guide for Extensions and Alterations (SPD12)

Informatives:

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

Note: Councillor Wakefield was not present at the meeting.

M. BH2013/01505 - 162 Woodland Drive, Hove - Full Planning Permission -
Demolition of existing bungalow and erection of 2no five bedroom dwellings (Part retrospective)

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The site related to a partially developed piece of land on Woodland Drive, and the history of the site was outlined in the report. The application was for two 2 storey buildings and a series of revisions and alterations to the previously approved scheme; these including: the roof space; roof lights; additional windows and doors; removal of a front entrance canopy and patio doors; the removal of a garage to create additional living space and the addition of a Juliet balcony. The current scheme was similar to the previous approval and the amended height and changes were considered acceptable. They were sufficiently far from the existing flats to mitigate concerns in relation to neighbouring amenity. For the reasons set out in the report the application was recommended for approval.

- (2) A vote was taken and planning permission was unanimously granted.

- 56.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set in the report.

Note: Councillor Wakefield was not present at the meeting, and Councillor Robins had left the meeting during the consideration and vote on this application.

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

- 57.1 There were none.

58. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

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

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

60. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

61. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

62. APPEAL DECISIONS

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

The meeting concluded at 17:32

Signed

Chair

Dated this

day of