

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 9 OCTOBER 2013**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

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

**Officers in attendance:** Paul Vidler (Deputy Development Manager), Nicola Hurley (Area Planning Manager), Jonathan Puplett (Senior Planning Officer), Clare Simpson (Senior Planning Officer), Jason Hawkes (Planning Officer), Peter Tolson (Principal Transport Officer), Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Officer).

**PART ONE**

**75. PROCEDURAL BUSINESS**

**75a Declarations of substitutes**

75.1 Councillor Robins was present in substitution for Councillor Hamilton and Councillor Shanks was present in substitution for Councillor Wakefield.

**75b Declarations of interests**

75.2 Councillor Hyde referred to Application BH2013/02368 – 12 Court Ord Road, Rottingdean, Brighton and explained that as she lived almost directly opposite the property she would withdraw from the meeting during the consideration and vote on this application to avoid any perception of bias.

75.3 Councillor Robins referred to Application BH2013/01278 – Former Infinity Foods Site, 45 Franklin Road & 67, 67a & 67b Norway Street, Portslade and explained he had met with residents in relation to the scheme; however, he had not expressed an opinion; was of an open mind and would remain present during the consideration and vote on the application.

75.4 Councillor Gilbey referred to Application BH2013/01278 – Former Infinity Foods Site, 45 Franklin Road & 67, 67a & 67b Norway Street, Portslade and explained she was Chair of the Portslade Community Forum when the applicant had attended to discuss the scheme before the application was submitted; however, she had not expressed an

opinion; was of an open mind and would remain present during the consideration and vote on the application.

75.5 Councillor Shanks referred to Application BH2013/02685 – 6 Cornwall Gardens, Brighton and explained that as she had formally objected to the scheme she would withdraw from the meeting during the consideration and vote on the application.

**76. MINUTES OF THE PREVIOUS MEETING**

76.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 18 September 2013 as a correct record.

**77. CHAIR'S COMMUNICATIONS**

77.1 The Chair explained it was National Customer Service Week. As part of the Council's commitment to improving services, there were staff outside the Council Chamber to ask if people attending the meeting would like to take part in a short survey about the standard of service received in connection with the Committee.

**78. PUBLIC QUESTIONS**

78.1 There were none.

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

79.1 There were none.

**80. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A. BH2013/02491 - Brighton Racecourse Race Hill - Full Planning Permission - Use of land at Brighton Racecourse for car boot sales on each Sunday throughout the year and additionally on Wednesdays during the months of April to October.**

(1) The Case Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. Consent was sought for the use of the site in conjunction with car boot sales which had been ongoing for some time and the application was seeking to regularise the current activities – attention was also drawn to a minor typographical correction in relation to Condition 6. Traders accessed the site from an entrance at the south and the car boot sales were arranged around a loop. There was concern from local residents in relation to parking on the surrounding streets, and conditions sought to mitigate these issues through the provision of signage and stewards. The hours of use would also be restricted from 0830 to 1700, and a full management plan would also be sought through condition; as with the park and ride on the site a full schedule of events would also be submitted to seek to resolve any clashes between events. It was also noted that the ancient historic monument at Whitehawk Camp crossed over the southern end of the site, where the surfaced track accessed the site, and a condition was recommended for temporary barriers and stewarding to protect the site. For the reasons set out in the report the application was recommended for approval.

**Questions for Officers**

- (2) Councillor Carol Theobald noted she was a trustee of the racecourse, and asked about the parking capacity and potential clashes. In response the Case Officer explained that the hours the car boot sale could operate were limited by condition, and the hours were considered were to be more than adequate; there was also a condition to ensure a schedule of events were submitted to avoid clashes. In relation to parking capacity it was explained that the average parking need for the car boot sale was approximately 408 and the site had capacity for up to 1500; the issue related more to where people were parking rather than capacity.
- (3) Councillor Gilbey asked about noise from the signage being put up early in the morning to direct people into the site; in response the Case Officer explained that these requirements, including times, would be set out in the management plan and that a balance was needed to provide adequate signage and protect residential amenity.

**Debate and Decision Making Process**

- (4) Councillor Robins noted that changes to parking restrictions in Hanover could add additional pressure to parking around the site, and it was important that the management plan was able to address this.
- (5) Councillor Jones noted that he had some concerns in relation to the ancient monument site; however, he was reassured by the Case Officer's comments and asked that proper monitoring be undertaken.
- (6) Mr Gowans noted that the Conservation Advisory Group (CAG) had welcomed the condition in relation to the temporary barriers to protect the ancient monument, and he drew attention to comments from the County Archaeologist in the report.
- (7) A vote was taken and planning permission was unanimously granted.

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

**B. BH2013/02082 - BHASVIC, 205 Dyke Road, Hove - Full Planning Permission -** Construction of a new 3no storey teaching block located on the existing upper car park between College House and the main building on Dyke Road, provision of a new service area to provide access for deliveries and refuse vehicles located to the north of College House on Dyke Road, refurbishment of the existing refectory and staff room in the Link Building, installation of CCTV cameras and creation of a new landscaped area.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Case Officer, Clare Simpson, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings; the application site at Brighton & Hove and Sussex Sixth Form College was on a triangular piece of land

which currently accommodated approximately 2000 students. Attention was also drawn to a sample board; matters on the Late List and some minor typographical changes to conditions. The corner building on the site was locally listed with an imposing frontage that was considered important to the street scene. There were three car parks on the site; one accessed from Dyke Road and two from Old Shoreham Road, and there were temporary classrooms located adjacent to the sports hall and pitches. Between the two main buildings on the site there was a flat area that was in use as a car park, and it was on this site that permission was sought for a 3 storey educational services building. The building would mean the loss of 29 car parking spaces, and provide a glazed link between the existing buildings, and seven new parking spaces were proposed. The design would be modern in contrast to other buildings on the site, and there were objections from neighbouring residents; a local amenity society and the Heritage Team; however, it was felt there was ample room on the site for the development and the modern design would be appropriate and the height would be between the ridge heights of the surrounding red brick buildings. There would be hedge screening at street level, as well as screening on the roof to mask some of the plant and machinery.

- (3) Discussions had taken place with the applicant in relation to the choice of materials which had initially been a brighter palette of blue and green tones, and since then the proposals had been toned down to provide more earthy lighter tones. It was acknowledged that the design would be modern with strong lines and colours as the college wanted the building to stand out rather than replicating other design features on the site. The applicant had provided information to show that the frontage would not be bland, and the levels dropped away to soften the visual impact of the front elevation. On the roof there would be solar thermal and solar photovoltaic panels, and the building would achieve a BREEAM rating excellent. In relation to residential amenity it was considered that the height and scale were appropriate and would not create a significant loss of light or overshadowing. In conclusion it was noted that the overall scheme was acceptable and the character of the area would not be harmed as the existing buildings could be read and appreciated in their current forms; the application would also provide the enhancement of educational facilities on the site. For the reasons set out in the report the recommendation was minded to grant subject to conditions and a s106 agreement.

#### **Questions for Officers**

- (4) Councillor Littman asked for more information in relation to the discussion with the applicant about the colour palette and their responses. The Case Officer had explained that the Heritage Officer had been keen for reds and browns to be used in the scheme, but the college had felt there would be the potential for clashing. They were keen to offer a contrast rather than a blend, and decided to soften the colour palette initially proposed to show the progression of the college.
- (5) In response to Councillor Carol Theobald the proposed colours at the front and side elevations were confirmed, and it was explained that the boundary treatment was conditioned to blend in with the existing. It was also confirmed for Councillor Robins that the colours chosen for the coloured panels and cladding were for decorative purposes.

- (6) It was confirmed for Councillor Gilbey that the whole site was locally listed.

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

- (7) Councillor Shanks stated that she felt the removal of one of the vehicular access points would improve the traffic situation along the stretch of road; she went on to say that she felt the old building was an asset and would be supporting the new scheme.
- (8) Councillor Hyde stated that she was pleased the college was doing well, and had secured government funding for the scheme; however, she went on to say that the proposed building was intrusive and out of character. Whilst similar applications, in terms of design, had come forward for other schools in the city they were acceptable as they did not have the level of street prominence of this site; nor did they sit next to locally listed buildings. She also noted the objections from the amenity society and the Heritage Team; the latter of whom had objected to the building being set forward and concern that it would compete with the main block. Councillor Hyde also referenced policies QD1 & QD2, and stated that the building would be detrimental and negatively impact on the locally listed buildings; as such she would not support the Officer recommendation for reasons relating to the design, materials and palette.
- (9) Councillor Carol Theobald noted that she agreed with the comments made by Councillor Hyde. Whilst she supported the principle of a building on this site she felt the design was dark and intrusive, and had concerns in relation to the loss of the 22 spaces when there could be a need for extra staff. She went on to add that the design was 'terrible' and too high, and would be very visible from the street. Councillor Carol Theobald concluded by adding that she felt there could be a better solution for the site.
- (10) Councillor Jones stated he was disappointed with the colours, and whilst he understood the necessity for a state of the art modern building he did not feel the palette of materials was acceptable. The buildings either side were very attractive and enhanced the streetscene – any new building should use the existing colour palette. For these reason he would not be supporting the Officer recommendation.
- (11) Councillor Wells stated he did not like the proposed colour of the cladding, and felt the palette should be more in keeping with the buildings around it; for these reasons he stated he would not be supporting the Officer recommendation.
- (12) Councillor Robins stated that he agreed with most of what had been said, and he liked neither the cladding nor the design of the building.
- (13) Councillor Littman stated he thought there was an opportunity for a 'terrific' addition to the college, but he was unable to support the scheme.
- (14) Councillor Shanks reiterated that she was in favour of the scheme and the proposed palette.
- (15) Councillor Gilbey noted that she largely agreed with what had been said, and also drew attention to Policy QD4 stating the proposal did not respect the old building. She added that from attending the site visit she had no issue with the proposed location,

but felt the design was unacceptable. Reference was also made to other schemes in the city which she felt had or had not worked well.

- (16) Councillor Davey expressed his concern that an alternative scheme could propose something more pastiche with could be 'bland' in nature. He added that he felt the location was right, but the proposal was too high.
- (17) Councillor Jones stated he hoped an alternative scheme could better protect the locally listed buildings.
- (18) Mr Gowans added that the proposal had not been of concern to the CAG.
- (19) A vote was taken and the Officer recommendation to be minded to grant was not carried on a vote of 4 in support; 7 against and 1 abstention. Councillor Hyde proposed reasons for refusal and these were seconded by Councillor Jones; a short adjournment was then held to allow Councillors: Mac Cafferty, Hyde and Jones; the Deputy Development Control Manager; the Senior Lawyer and the Case Officer to draft the reasons for refusal in full. These reasons were then read to the Committee and it was agreed that they reflected that had been put forwarded by Members. A recorded vote was then taken and Councillors: Jones, Hyde, Gilbey, Robins, Littman, Carol Theobald and Wells voted that planning permission be refused; Councillor: Mac Cafferty, Cox, Davey and Shanks voted that it be granted and Councillor Carden abstained from the vote.

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

- i. The proposed development is obtrusive in view of its prominence in the street scene. It is out of character with the area in terms of design, materials, colour and palette and does not take account of local characteristics. Furthermore it does not respect the locally listed buildings on the site. The proposed development is therefore contrary to policies QD1, QD2 and QD4 of the Brighton and Hove Local Plan 2005.

**C. BH2013/01278 - Former Infinity Foods Site 45 Franklin Road & 67 67a & 67b Norway Street - Full Planning Permission** - Demolition of existing buildings and construction of a three-storey commercial building (class B1 office space) and two and three storey buildings to form 31no dwellings with associated car parking, access and landscaping 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. Attention was also drawn to matters on the Late List and some minor typographical and other amendments were noted in relation to Conditions 21, 25 and 34 and Informative 9; an additional condition was also added in relation to the reinstatement of the redundant crossover. The application site related to the former Infinity Foods site and consisted of three large buildings which were all now vacant since the relocation of the two businesses that had

operated there. The site backed onto the rear gardens of the existing properties; and Vale Park was also opposite the site; it was noted that a small rear alleyway would also be retained as part of the scheme. Permission was sought for the demolition of all the existing buildings and the construction of 31 residential dwellings and a commercial building in B1 office use. The residential units were a mix of two and three storey houses and buildings containing flats, and the commercial building would be located to the northwest of the site. The existing access would be retained from Norway Street and a new access made from Franklin Road; however, there would be no direct vehicular access through the site. The parking for the properties would be directly in front of the houses and this would give the development a 'mews style' appearance. The proposed material was buff sand coloured brick; with gable ends and banded detailing, and there would also be some undercroft parking. The commercial building would be of a more modern design, and the space inside had not been subdivided to allow for flexible use as the demand dictated.

- (3) There would be seven affordable housing units on the site; 5 of these would be two bedroom flats and the others would be the adjacent 2 three bedrooms family homes with gardens. The application had been the subject of consultation, and there had been eight letters of objection to the scheme; some of these related to the loss of the employment space. It was explained that in the Local Plan the site was designated for industrial and business use; however, the emerging City Plan designated this site for a mixed use scheme; whilst the scale of employment space would be reduced the proposed B1 use would give higher density of employment and potentially provide up to 61 jobs – an increase from 58 with the previous use. Some of the problems in relation to the site in its current employment configuration were the access and the close proximity of residential units; the site had also been marketed for an adequate amount of time with no interest. The scheme was in accordance with the emerging City Plan and the National Planning Policy Framework (NPPF). It was noted that the provision of affordable housing was below the 40% threshold, but the applicant had submitted a viability report; this had been assessed by the District Valuer who found it to be acceptable. Partly due to the need to deliver the scheme the applicant had agreed to an additional affordable unit on the site; increasing the provision to 22%; the level of affordable housing could also be revisited if the scheme had not reached an agreed stage of completion in the three years follow an approval. In relation to amenity all the units were set back and it was felt there would be no significant harm in relation to neighbouring amenity. The provision of parking was also acceptable, and the travel plan had been assessed and it was not felt it would create unacceptable demand in the area. All the proposed residential units would meet Code for Sustainable Homes level 4 and the commercial building would be BREEAM 'excellent'. The application was recommendation to be minded to grant for the reasons set out in the report.

**Public Speakers and Questions**

- (4) Mr Scott Bartha spoke in opposition to the application in his capacity as a local resident, and explained he was speaking on behalf of other local residents. He stated that residents had little objection to the concept of the scheme, but had particular concerns in relation to the close proximity of the proposed flats to another higher density building adjacent to the site in Franklin Road. It was felt the proposed flats could be moved elsewhere on the site which would be more sympathetic with regard to that area of the site as any smaller houses there would not be objected to.
- (5) The Deputy Development Control Manager noted that Members had to consider the scheme before then, any material change would constitute a new application.
- (6) In response to a query from Councillor Carol Theobald it was confirmed by Mr Bartha where he lived in relation to the site.
- (7) Mr Steven Brown spoke in support of the application in his capacity as the agent acting on behalf of the applicant. He noted that the application was recommended for approval, and there had been no objection other than the now withdrawn objection in relation to affordable housing. The application had also been the subject of an extensive pre-application process; during this time the application had evolved and included major changes as part of the pre-application process. The proposals included a high quality design that respected the area and made efficient use of the land; as well as being highly sustainable and meeting lifetime homes standards. The application would provide much needed housing in the city with sufficient parking, and would secure £150k of infrastructure improvement. The scheme also focused on providing family homes with private amenity space. In closing Mr Brown asked the Committee to approve the application.
- (8) Councillor Robins asked about the provision of affordable housing, and in response Mr Brown confirmed that the Housing Team had accepted the position of the District Valuer. The Deputy Development Control Manager confirmed that the Housing Team now found the level of affordable housing proposed in the scheme to be acceptable.

**Questions for Officers**

- (9) It was confirmed for Councillor Carol Theobald that the distance between the buildings referenced by Mr Bartha was 2.4 metres; however, it was also noted that there would be no windows on this elevation. It was also confirmed for Councillor Shanks that the gardens were between 7 & 10.5 metres in length.
- (10) Councillor Gilbey asked what the s106 monies would be used for, and in response the Case Officer explained the head of terms were outlined in the report and detailed highways infrastructure improvements; open space and educational improvements. In relation to educational improvements it was noted that the money would go into a fund to be used to provide educational provision as close to the site as possible.
- (11) Councillor Gilbey went on to ask about the new access to the site, and how this would work in terms of right of way between cars and pedestrians. In response the Principal



Transport Officer, Peter Tolson, explained that the layout was designed to reduce travelling speeds; there would not be priorities, but users would behave accordingly.

- (12) Councillor Carden asked about the funding used for allotments, and it was confirmed the proposed site would be one nearby which was owned by the local authority.
- (13) It was confirmed for Councillor Wells that the proposed consent was for 2 years to encourage the scheme to come forward.
- (14) It was confirmed for Councillor Gilbey that the site had been investigated and appropriate conditions attached to address concerns in relation to contamination and sinkage.

**Debate and Decision Making Process**

- (15) Councillor Cox stated that he felt this was an excellent scheme; a clever use of the site, and was providing employment space. He added that the houses were appropriate and hoped this would continue to add to the rejuvenation of the local area. The site was close the local transport links, and was suitable for families; he congratulated those behind it.
- (16) Councillor Carol Theobald added that the scheme was very good, and it looked attractive.
- (17) Councillor Hyde noted that she welcomed development with parking, and that had detail such as brickwork and hung tiles. She went on to add that it was good sustainable development, and even the apartment units were in keeping with the wider scheme.
- (18) Councillor Littman stated he was largely of the view it was an excellent scheme; he had concern with the level of affordable housing, but was willing to accept the position of the District Valuer.
- (19) Councillor Robins stated that he was broadly in favour of the scheme, but did have some reservations in relation to office space on the site which he felt was a slight afterthought. He went on to add that there was vacant office space in close proximity to the site; he also stated that it was a disappointment there was no through vehicular access at the whole site, and noted existing traffic problems on Norway Street.
- (20) Councillor Wells noted that he was pleased to see family homes being built, but he also had some concern with the provision of the office space, and he was not sure if there was a need for office space in this location. He stated he would be voting in support of the Officer recommendation.
- (21) Councillor Gilbey stated that she was broadly in favour of the scheme; whilst she appreciated the necessity to provide employment space on the site she noted the close proximity of other vacant office buildings.
- (22) A vote was taken and planning permission was unanimously granted.

80.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolved to be **MINDED TO GRANT** planning permission subject to the conditions and informatives in the report and the agreement of a s106 agreement.

**D. BH2013/02540 - The Marlborough, 4 Princes Street, Brighton** - Formation of beer garden to replace existing garage incorporating blocking up of garage entrance, relocation of toilets and associated works.

(1) The Area Planning Manager, Nicola Hurley, introduced this application and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to matters on the Late List, and a minor typographical amendment to Condition 4. The site related to a public house with a theatre on the corner of Princes Street and Pavilion Street; the site of the proposal was currently a garage and store room, and there were also proposed changes to the existing toilets and fire escape. Permission was sought for the creation of a beer garden to the rear of the public house, and a garage door to the street would also need to be blocked off; as well as boundary treatment to the west elevation. The main considerations related to the impact on visual amenity on the parent building; the street scene and the wider area. There was also a proposed condition recommending restricting the use of the doorway, and that the new toilet block be finished in painted render. There were neighbour objections due to the potential for increased noise; the proposed hours of use until 0200 hours had been deemed excessive, and the suggested condition now proposed 2200 hours. For the reasons set out in the report the application was recommended for approval.

#### **Public Speakers and Questions**

(2) Mr Roger Rolfe spoke in objection to the application in his capacity as a local resident; he stated there had been a history of noise complaints in the relation the premises, and the addition of the beer garden was likely to have adverse impact on local residents as noise was very difficult to control. Attention was drawn to the Committee report which stated that there would not be a significant impact if the hours were limited until 2200 hours; Mr Rolfe affirmed that the Case Officer had not visited the site in the later hours to realistically assess this. It was felt that the noise reverberation would be worse in the beer garden, and the problem would be moved from the street to the beer garden; residents were at least asking for a site visit for Members to assess the extent of the problems.

(3) Councillor Davey asked Mr Rolfe if there was a solution to address the problems at the site, and Mr Rolfe explained that currently there was a smoking and drinking area at the front on the premises on the public highway – this area was wider than the proposed width of the beer garden. Moving those smoking outside to the beer garden would allow sound to reverberate in the space, and simply shift the issue from one location to another. Despite there currently being a sign asking patrons to not smoke or drink outside after 2230 hours the activities often went on until the public house closed at 0200 hours.

(4) Councillor Hyde asked Mr Rolfe if he had been in contact with the Environmental Protection Team and kept noise diaries; in response Mr Rolfe explained that it was

difficult to keep a diary due to the sporadic nature of the problem; mostly residents tried to ignore it as best they could.

- (5) Councillor Bowden spoke in objection to the scheme in his capacity as the local Ward Councillor; he stated that the application would shift the noise problem to Princes Street, and the site of the proposed beer garden was 5.2 metres from residential properties. The high walls of the beer garden would act to make the noise worse, and allow the smoke to rise in the area. There was long history of poor management of tenants by the landlord of the public house, and reference was made to the cost to the city of smoking.
- (6) Councillor Davey asked Councillor Bowden if there was a solution to address the problems at the site; in response Councillor Bowden said that the restrictions at the front of the premises should be enforced and residents should keep noise dairies.
- (7) Councillor Jones asked Councillor Bowden about people smoking at the front of the building, and asked what was being done by the Council to address the problems residents were reporting. In response Councillor Bowden reiterated the history of problems associated with this premises, and the impact moving the smoking area would have on residents. It was also noted that the residents who supported the scheme were those whom would benefit from the relocation of the smokers.
- (8) At this point in the meeting Councillor Hyde proposed that a site visit should take place, and this was seconded by Councillor Gilbey; Councillor Davey noted that he did not always see the benefit of such visits and that the Committee should make their decision on the application before them. A vote was taken and the motion to defer the application for a site visit was not carried on a vote of 5 to 6 with 1 abstention.

#### **Questions for Officers**

- (9) Councillor Cox asked for advice on what level of weight Members could place on Councillor Bowden's comments in relation to the conduct of landlords and the public health matters. In response the Senior Solicitor, Hilary Woodward, noted that health matters could be a material planning consideration; in relation to the landlord's conduct there were sufficient powers of enforcement to ensure appropriate action could be taken if conditions were not complied with.
- (10) The Area Planning Manager noted in response to Councillor Wells that she could not answer questions in relation to the direction noise would travel.
- (11) Councillor Shanks asked about the chairs and tables that were currently placed on the public highway; in response it was explained that the Highway Authority would consider the width of the tables and chairs and the space for people to pass, but would not consider noise and amenity.
- (12) Councillor Robins noted his sympathies with the affected residents and queried if the proposals would be a beer garden or a smoking area.
- (13) It was confirmed that after 2200 hours smokers would have to revert to smoking outside of the public house on the highway; as was the current practice.

- (14) In response to Councillor Gilbey the Area Planning Manager explained that she could not answer if people were currently both smoking and drinking outside on the public highway. It was also clarified that Officers in Environmental Protection had concern in respect of the noise, but the application was recommended for overall approval with mitigating conditions.

**Debate and Decision Making Process**

- (15) Councillor Davey noted that the Committee needed to make a judgement about the impact in relation to noise; he noted that between 2200 and 0200 hours the current problems would remain due to the conditioned closure of the beer garden. He added that he was concerned a decision could disaffect both sets of residents.
- (16) Councillor Cox noted that this application was quite similar to a number in Church Road in Hove, and went on to add that by and large they worked quite well providing conditions were properly adhered to; the application would also remove the unsightly garage.
- (17) Councillor Wells noted the impact the smoking ban had had on publicans, and noted that businesses needed to try and make a profit. He was satisfied with the Officer recommendation and would support the application.
- (18) Councillor Hyde stated that the decision was difficult, and she would have appreciated a site visit. She asked if it could be possible to grant a temporary consent with a view to reviewing the position; in response the Area Planning Manager stated that this could be considered unreasonable due to the demolition and building works that were involved.
- (19) Councillor Littman noted that the question was whether the application would increase the impact or just move the problem to another location.
- (20) A vote was taken and planning permission was granted on a vote of 8 to 2 with 2 abstentions.

80.4 **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 out in the report.

**E. BH2013/01224 - Site of Rottingdean Swimming Pool Undercliff Walk Rottingdean Brighton - Full Planning Permission - Installation of new multisports play arena.**

- (1) The Chair asked Members if they required an Officer presentation on this application and it was agreed that they did not. A vote was taken and planning permission was unanimously granted.

80.5 **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 out in the report.

- F. BH2013/02368 - 12 Court Ord Road Brighton - Full Planning Permission** - Erection of extension to front and rear elevations to facilitate conversion of roof space, incorporating new front porch - Juliet balcony to rear and dormers to south west and north east elevations.
- (1) It was noted that this application had been 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 site related to a detached property with a hipped roof and a flat roof extension. It was noted that a similar application had been refused early in the year under delegated authority in relation to the design, bulk, overlooking and loss of privacy; the major change to this proposal was the removal of a rear terrace and changes to the proposed dormers. The existing bungalow was modest in size, and the application sought consent for significant alternations and front extension adding bulk; it was the view of Officers that this would damage the visual amenity of the building and detrimentally impact on the street scene. There was particular concern in relation to the size, depth and bulk of the proposed dormers; as well as being poorly designed and not relating properly to the fenestration below. For the reasons set out in the report the application was recommended for refusal.

#### **Public Speakers and Questions**

- (3) Ms Julie Daniels spoke in support of the application in her capacity as the applicant and stated that the applicant was seeking to extend a family home as it was not currently big enough; the family did not want to move out of the area and Ms Daniels' children attended local schools. Since the previous refusal work had been undertaken to make the scheme more acceptable, and none of the immediate neighbours had objected – there were also letters of support. It was not possible to reduce the size of the roof extension any further without reducing the size of the loft bedrooms. The scheme proposed more suitable materials, and it had been designed by a local architect who had ensured there would be no impact on the streetscene. It was acknowledged that the house would look larger at first floor level due to the conversion. In closing Ms Daniels reiterated that the application would allow more room for her family; neighbours were in support of the scheme and she hoped the Committee could support the application.

#### **Questions for Officers**

- (4) In response to Councillor Theobald the existing and proposed plans were confirmed.

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

- (5) Councillor Theobald stated that she had some sympathy with the resident, but she felt that the proposed design would look overly dominant, and felt it could be acceptable if it were made a little smaller as she did not have any issue with the rear of the design.
- (6) Councillor Gilbey echoed these comments, and stated that she could not support the application due to bulk at the front.

- (7) Councillor Jones also stated he had sympathy with the applicant, but he agreed with the position taken by Officers.
- (8) Councillor Littman stated that he understood the point in relation to design and size, but noted that the neighbours had not objected to the scheme.
- (9) Councillor Robins asked about the personal circumstances of the applicant, and the Senior Solicitor advised that personal circumstances could be capable of being a material planning consideration in exceptional circumstances.
- (10) Before a vote was taken the Deputy Development Control Manager reiterated that the reasons for refusal related to the visual amenity and the impact on the streetscene, not the impact on neighbours.
- (11) A vote was taken and planning permission was refused on a vote of 8 in favour with 3 abstentions.

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

Reason for Refusal

- i. The proposed development, by virtue of its design, size, form and massing would result in visually intrusive and bulky additions to the property, which would be unsympathetic to the design of the existing modest chalet bungalow and as a result would be of detriment to the visual amenities of the parent property and the wider area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and SPD12 Design Guide for Extensions and Alterations.

Informatives:

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

**Note: Councillor Hyde was not present during the consideration and vote on this application (see minute 75.2).**

**G. BH2013/02685 - 6 Cornwall Gardens - Householder Permission - Alterations to front boundary wall. (part-retrospective)**

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the wall had recently been rebuilt, and the application now proposed flint detailing to mirror other examples in the street. It was noted that a late objection had been received from Councillor Shanks. The main considerations related to the impact on the surrounding

area. The application was recommended for approval for the reasons set out in the report.

### Questions for Officers, Debate and Decision Making Process

- (2) Mr Gowans stated that the Conservation Advisory Group (CAG) were recommending refusal, and made reference to the status of the hardstanding at the front of the property which Officers had agreed to look into. CAG regretted the loss of the original wall, and the Heritage Officer had noted that the style was individual to the streetscene. It was also suggested that the design of the piers would be considered incongruous and detracted from the streetscene. It was reiterated that the CAG were recommending refusal of this application. The Area Planning Manager confirmed that the area of hardstanding was permitted development, but they could look into this further at the request of the CAG.
- (3) Councillor Davey emphasised the comments from the CAG, and stated that the wall was visually unattractive, and a destruction of the property frontage in a conservation area.
- (4) Councillor Hyde noted she did not like the loss of the greenery at the front of the premises, but noted that the Committee were not able to consider this. Councillor Jones echoed these comments and noted that he had less concern with the proposed wall. It was confirmed for Councillor Carol Theobald that the front garden could not be conditioned in terms of the greenery, and the driveway had previously been in situ.
- (5) Mr Gowans reiterated that the wall was not as it used to be following the demolition and reconstruction; the issue related to the size of the wall and the widening of the access to the garage.
- (6) It was confirmed for Councillor Gilbey that there was a mix of walls in the streetscene.
- (7) A vote was taken and planning permission was granted on a vote of 9 to 2.

80.7 **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 out in the report.

**Note: Councillor Shanks was not present during the consideration and vote on this application (see minute 75.5).**

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

81.1 There were none.

82. **INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

- 83.1 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.]

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

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

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

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

**86. APPEAL DECISIONS**

- 86.1 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 5.18pm

Signed

Chair

Dated this

day of



