

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 2 APRIL 2014**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Deane, Duncan, Gilbey, Hamilton, Littman, K Norman and Wells

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

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager); Nicola Hurley (Area Planning Manager); Paul Earp (Senior Planning Officer); Sanne Roberts (Planning Officer – Conservation); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

**PART ONE**

**172. PROCEDURAL BUSINESS**

**172a Declarations of substitutes**

172.1 Councillor Deane was present in substitution for Councillor Davey and Councillor K. Norman was present in substitution for Councillor C. Theobald.

**172b Declarations of interests**

172.2 Councillor Hamilton declared an interest in respect of Item 117(b) Application BH2013/03142 – The Mill House, 131 Mill Lane, Portslade as his letter of objection was listed as part of the application report; as such he would be withdraw from the meeting during the consideration, debate and vote on the application.

172.3 Councillor Mac Cafferty noted, in respect of Item 117(a) BH2013/03930 – Bowling Green, Dyke Road Park, Dyke Road, Hove, that he been in correspondence with the applicant over technical matters, but he referred these onto appropriate Officers for response; at no point had he expressed an opinion on the application and as such he would remain present during the consideration, debate and vote on the application.

172.4 Councillor Mac Cafferty noted, in respect of Item 117(l) BH2014/00431 – Isfield Road Brighton, that he been in correspondence with an objector over technical matters, but he referred these onto appropriate Officers for response; at no point had he expressed

an opinion on the application and as such he would remain present during the consideration, debate and vote on the application.

#### **172c Exclusion of the press and public**

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

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

#### **172d Use of mobile phones and tablets**

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

#### **173. MINUTES OF THE PREVIOUS MEETING**

172.1 Councillor Wells noted that at Item 165(f) paragraph (3) should read ‘Councillor Wells stated that the site visit had showed that the application would improve the property, and he did *not* object to the loss of the ‘L’ shape.’

172.1 **RESOLVED** – That, with the above amendment, the Chair be authorised to sign the minutes of the meeting held on 12 March 2014 as a correct record.

#### **174. CHAIR'S COMMUNICATIONS**

174.1 The Chair stated that training would be held on Tuesday 22 April at 10.00 am in the Council Chamber at Hove Town Hall. The session would be led by Stephen Milner: Head of Development Viability & Disposals at the District Valuer Service and would cover the Basics of Viability Appraisals.

174.2 The Chair announced the sad passing of Mr Chris Kift who had served as the Co-Opted representative from ‘the Fed’ to the Committee. The Chair expressed his and the Committee’s sadness at his passing and extended thoughts to his family and friends.

#### **175. PUBLIC QUESTIONS**

175.1 There were no public questions.

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

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

Application:	Requested by:
BH2013/03400 - 112 Carden Avenue, Brighton	Councillor Hyde

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

**MAJOR APPLICATIONS**

**A. BH2013/03930 - Bowling Green, Dyke Road Park, Dyke Road, Hove - Full Planning** - Change of use of bowling green (D2) to open air theatre (sui generis) with associated alterations including landscaping and erection of acoustic wall.

- (1) The Senior Planning Officer, Paul Earp, gave a presentation by reference to photographs plans and elevational drawings. The application was for a change of use for the bowling green at Dyke Road Park to become an open air theatre. The site was located on the west side of Dyke Road and was not in a conservation area, but had residential properties to the north and east. The area was surrounded by quite thick landscaping, and the bowling green was currently fenced off and disused after its closure by the local authority in 2013. At the time of closure local community groups had been asked to put forward plans for alternative uses and this was the only scheme that had come forward; the proposed operator was now a registered charity. The theatre would mainly open May to September, Wednesdays to Saturdays and performances would finish by 2200 hours. It was expected the facility would be used by local artists, performers and schools and the terraces of the amphitheatre would be cut out of the existing land; the base would be lowered by approximately 1.5 metres and the terraces raised by a similar height to create the amphitheatre. The existing bowling green club house would be used as an ancillary office and work shop; there would also be no permanent lighting at the site.
- (2) The main issues related to the change of use; however, City Parks had no strategy for the alternative use of the site and the amphitheatre was considered an attractive addition to the park. In terms of parking spaces there was some indication from both BAHSVIC and Cardinal Newman School that their car parks could be used in conjunction with the site. In relation to increased transport activity it was recommended that this was managed through a S106 contribution of £26k for pedestrian and cycle improvements. The charity had expressed concerns about this level of contribution and it was agreed that the payments could be phased based on the level of use. In respect of consultation there had been 12 letters of support received and no objections. The applicant had also requested amendments to Conditions 11 and 14 in respect of the maximum number of performances and people; the impact on transport network and the days of operation. The Local Planning Authority considered that these conditions were appropriate and could be monitored; if the conditions proved too restrictive then the applicant would be able to apply for an amendment. The application was recommended to be minded to grant subject to conditions, informatives and the S106 agreement.

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

- (3) In response to Councillor K. Norman the Senior Planning Officer confirmed the heights of the terracing and went on to explain that the area was very well screened and the terraces would not be higher than the existing wire fence and beyond the site there was a substantial belt of trees that would also form additional screening.
- (4) In response to Councillor Littman it was confirmed that the 'Friends of Dyke Road Park' had not formed part of the statutory consultees, but they had supported the application and the Local Planning Authority were satisfied that a sufficient number of notices had been displayed around the site.
- (5) Councillor Deane asked about the grassy bank that would be created and it was agreed that the landscaping scheme could include a suggestion that this area be used to form a community garden.
- (6) In response to queries from Councillor Gilbey the following information was provided: the seating was 70 metres from the road; the terraces would be of sufficient size to accommodate wheelchairs and the wider site was wheelchair accessible. The Principal Transport Officer, Steven Shaw, also explained that the proposed S106 contribution was based on balancing the likely use and the transport impact; it was felt that the proposed conditions would allow for the activity to be monitored and for the applicant to apply for a variation if this proved to be too restrictive.
- (7) Councillor Jones asked about the possibility of extending activities to Sundays as he was of the view this would be important during the summer and festival seasons. The Senior Planning Officer explained that the original application had specified Wednesday to Saturday with some matinee performances on Sundays. Environmental Health Officers had expressed concern about the lack of an acoustic report – whilst the activity was unlikely to create a great deal of noise there was concern in relation to spectators arriving and leaving in the afternoon. The Deputy Development Control Manager noted that the request for regular use on Sundays had been received late in the application process and the Officer appraisal had been based on the original submission and any further recommendation would be difficult without an acoustic report.
- (8) In response to the Chair the Senior Solicitor, Hilary Woodward, explained that if the application were granted then the applicant would be able to apply for a variation of conditions which would be determined within the usual timescale with reasonable consultation. It was also noted that any additional days of activity would need to be consulted on if they had not formed part of the initial consultation.
- (9) The Chair and Councillor Hyde suggested an informative that 'the Committee were sympathetic to the request to operate on Sundays and if the application were granted it would be open to the applicant to request an extension to the days of operation.'
- (10) Councillor Hamilton noted that the numbers at the site would be relatively low and he did not agree with the S106 contributions and the proposed payment triggers. He stated that the scheme was very worthwhile, and he proposed that no S106 contributions be required. The Deputy Development Control Manager noted that the

use on the site was new, and although the applicant was a charity they should not be considered or treated differently to any other applicant as the impacts would be the same. It was noted that there had been considerable negotiation and the triggers for the payments was considered an appropriate way forward.

- (11) Councillor Cox noted that he agreed with the comments made by Councillor Hamilton and expressed his concern that the Council should be doing its utmost to facilitate this type of activity and he supported the position that the S106 contributions should be waived.
  - (12) Councillor Littman went to suggest that the Committee discuss Conditions 11 & 14, and in particular that Condition 11 be removed. Councillor Duncan noted that he agreed with this approach; the Chair suggested condition 11 could be amended to read "The development hereby approved shall hold a maximum of 15 performances/events each calendar month". The Senior Solicitor added that changes to Condition 14 may need further consultation.
  - (13) Councillor Hamilton reiterated that the S106 contribution should be waived.
  - (14) Councillor Wells stated that he thought the scheme was well designed and wished the operator every success.
  - (15) The Chair then sought the Committee's agreement to the waiver of the s106 contribution and his suggested changes to Condition 11 should the application be granted. Firstly the Committee unanimously agreed to remove the S106 contribution from the application. Secondly the Committee unanimously agreed to amend Condition 11 to read 'The development hereby approved shall hold a maximum of 15 performances/events each calendar year'.
  - (16) At this point in the proceedings the Chair invited the applicant to comment; the applicant asked that the application be deferred as they were of the view the Committee had based some of their decisions on inaccuracies. The Senior Solicitor advised that Members should be clear on the information before them and a deferral could be necessary to ensure they had the right information.
  - (17) The Committee then agreed unanimously to defer the application to clarify matters. The application would be brought to a future meeting.
- 177.1 **RESOLVED** – That the application be deferred to clarify potential matters of inaccuracy.

### **MINOR APPLICATIONS**

- B. BH2013/03142 - The Mill House, 131 Mill Lane, Portslade - Removal of Variation or Condition** - Application for variation of conditions 3, 4 and 5 of application BH2013/01223 (Erection of single storey rear extension with associated external alterations) to allow the extension to be open between 07.00am to 11.00pm Mondays to Saturdays inclusive and 07.00am to 11.00pm Sundays, Bank or Public Holidays, to allow off sales of alcohol to be made to customers in the new extension and to allow the use of machinery and plant between the hours 7.00am and 11.00pm Mondays to

Saturdays inclusive and from 7.00am until 10.00pm on Sundays, Bank or Public Holidays.

- (1) The Committee agreed to forego a presentation and move straight to the vote.
- (2) A vote was taken in respect of conditions 3 & 5 and the Officer recommendation to grant planning permission was not carried on a vote of 10 against with 1 abstention.
- (3) A vote was then taken in respect of condition 4 and the Officer recommendation to refuse planning permission was carried on a vote of 9 in favour; 1 against and 1 abstention.
- (4) In respect of the decision not to vary conditions 3 & 5 reasons for the refusal were proposed. 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 with the reasons for refusal and Councillors: Mac Cafferty, Jones, Hyde, Cox, Deane, Duncan, Gilbey, Littman and K. Norman voted that permission be refused and Councillor Carden, abstained from the vote.

177.2 **RESOLVED** - That the Committee:

- (a) Has taken into consideration the Officer recommendation, but resolves to **REFUSE** to vary conditions 3 & 5 for the reason (i) set out below; and,
- (b) Agrees with the reasons for the recommendation set out in section 11 of the report and resolves to **REFUSE** to vary condition 4 for the reason (ii) set out below.

Reasons for Refusal

- i. Conditions 3 and 5, if varied as proposed, would fail to safeguard the amenities of the locality by reason of noise nuisance in this predominantly residential area and would therefore be contrary to policies SU10 and QD27 of the Brighton and Hove Local Plan 2005.
- ii. The off sales of alcohol from the extension would increase the potential for noise, disturbance and public disorder detrimental to the residential amenity of the locality, contrary to policies SU10, SR12 and QD27 of the Brighton & Hove Local Plan.

**Note: Councillor Hamilton was not present during the debate and vote on this application.**

**C. BH2013/02798 -13A-14 Stone Street & 19A Castle Street, Brighton - Full Planning**  
- Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.

- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings in respect of

application BH2013/02798 for full planning permission and BH2013/02799 for listed building consent. The site was divided into two distinct parts, and the two areas formed one unit with all of the buildings in a poor state of repair. The building to the north of the site was listed and the building to the south also had protection as part of the curtilage of the listing and by virtue of being in a conservation area. The building on the Stone Street frontage was also on the Council's buildings at risk register. The application sought permission for the conversion of the two-storey office building on Stone Street and demolition of the existing building on Castle Street. In terms of the listed building there was a separate application for consent for the alterations. The main considerations related to the loss of employment space, the design and appearance, impact on the listed building and conservation area, the level of accommodation, transport and highways considerations, land contamination and the suitability for student accommodation.

- (2) The Local Plan sought to address the loss of employment space, but it did not cover sui generis use which was not protected by policy, and the buildings were currently in a poor state of repair. In the Stone Street property there were limited historical features and the principle of retaining and converting was welcomed. At the Castle Street frontage there were currently structural defects and it was proposed to demolish the building and replace it with a contemporary building. The building was seen as complimentary in terms of the height of the neighbouring buildings; the Heritage Officer had considered the height appropriate for this location and the design was appropriate and would match the streetscene. In relation to the suitability for student accommodation it was noted there were supporting documents. In terms of the design this was worked around the listed building, and some of the habitable rooms had restricted light; however, this was addressed with rooflights and considered acceptable. For the reasons set out in the report the application for full planning was recommended to be granted and the listed building consent was recommended for approval.

### **Public Speaker(s) and Questions**

- (3) Mr Chris Beasley, a local resident, spoke in objection to the application and stated that the application sought to demolish the historic stables and replace the building with a 'blank three-storey wall' which would not be admired. The proposed student accommodation would be very small and crowded which would create a burden on the facilities. It was felt that the student accommodation would be depend on the use by the proposed operator, and was unnecessary with other student sites opening up in the city; the high density was also not considered compatible with the neighbourhood. The Regency area of Brighton should be preserved as a tourist attraction, and there was a need for good quality housing rather than student accommodation. In summary the application was contrary to policy, would not contribute to the area and was 'shabby' architecture. Concern was also expressed about the future use of the site if the operator were to pull out; residents and locals were asking the Committee to refuse the application.
- (4) In response to Councillor Hyde it was stated by Mr Beasley that he could not confirm the nature of the listing of the Castle Street property.

- (5) Councillor Mac Cafferty asked Mr Beasley about the harm to the area he had highlighted, and Mr Beasley explained that the street had reached capacity and there was too much of this type of 'high rise' building.
- (6) Mr Richard Wrattan spoke in support of the application in his capacity as the architect. He stated that the firm had been involved in the scheme for approximately five years and were pleased to put forward a scheme to regenerate the site. The Stone Street buildings had been listed in August 2012 and this limited the form of the proposed building; with this in mind it was considered the best proposal was a single residential unit. The Castle Street aspect of the scheme was not listed as it had not passed the appropriate test, and whilst retention would have been favourable a structural engineer has assessed the site and considered the building to be beyond economical repair. It had also been considered that flats were not appropriate at this location as this part of the street had more commercial activity. The approach from the local language school was seen as an appropriate use and the site would be managed by a local letting agent. The Committee were invited to approve the applications.
- (7) In response to Mr Gowans the architect explained that the proposed render and brick work were common and popular within the city; it was recognised that the aluminium windows were modern, but they were beneficial in marine areas.
- (8) Councillor Deane asked about the building being beyond economic repair and Mr Wrattan explained that there were significant problems with the courtyard wall, which despite repair works was likely to collapse. The existing building joists would not comply with building regulations, and the building was unlikely to have foundations and would need new ones before any work were undertaken. Councillor K. Norman continued this line of question, and Mr Wrattan explained that the building could not be retained as it was in such a poor state of repair and any alterations would be dangerous to those working at the site and the floors were unsafe.
- (9) The Chair expressed his concerns about the protection of the listed building during construction; in response Mr Wrattan explained the funding for the works to the listed buildings was through the student accommodation and the developer was very keen to bring the listed building back into use. In response to further questions from the Chair it was explained by Mr Wrattan that the Castle Street height was considered appropriate and this had been decided in consultation with Officers and the proposed materials had come from discussions with the Conservation Officer.

### **Questions for Officers**

- (10) The Area Planning Manager clarified that when the listing had been made it had not been considered necessary to extend this to the whole site.
- (11) In response to Councillor Gilbey the impact of the three-storey building on the listed building when viewed from the street was clarified using a sectional drawing.
- (12) Mr Gowans asked why the outline of the proposed student accommodation had been omitted from the north elevation of the drawings, and the officer explained that this was on account of a drafting error.



- (13) The Planning Officer (Conservation), Sanne Roberts, confirmed to Councillor Hyde that the Castle Street building was not considered to warrant statutory listing; however it currently had curtilage listing and was a 'non designated heritage asset' and a candidate for the local list. The Chair explored this issue further and asked how this related to the Officer recommendation; it was explained that this was a material consideration and much of the original building had been replaced with concrete blocks or patched and the building was in a very poor state of structural repair. It was also considered against the advantages of removing the building from the buildings at risk register.

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

- (14) Councillor Littman noted that the report referenced that the Castle Street scheme was acceptable in conjunction with the changes across the rest of the site; he stated that in his view the Castle Street scheme not acceptable on its merits.
- (15) My Gowans noted that the Conservative Advisory Group (CAG) had objected to the application, but they welcomed the Stone Street aspect; whilst the Castle Street aspect was highly controversial. He stated it was important to consider the immediate local historic environment; the history of the site; the volume of building; the building line and the proportions of the windows and doors. The building line of the non designated heritage asset had an existing yard as it had been built as a stable and there was historic interest in this – replacing this with the new building line would completely remove that history on the site. Mr Gowans stated he was not convinced by the arguments in relation to the building materials and there would be little or no relationship to the listed building. He summarised that the application should be refused as the Castle Street aspect did not preserve or enhance the conservation area and in no way helped to understand or appreciate the listed building.
- (16) Councillor Hyde stated that the Stone Street proposal was most welcome; however, she felt that the Castle Street proposal was not acceptable. She was pleased to understand the wider site was captured by the curtilage listing, and felt that features such as flint could be used to restore the site. She had concerns in relation to the materials, and pointed to better more sympathetic schemes on the street in contrast to the 'faceless' proposal. For the reasons that the Castle Street aspect was inappropriate she would not be able to support the Officer recommendation.
- (17) Councillor Gilbey stated that she agreed with the comments made by Councillor Hyde and as such she would not support the Officer recommendation.
- (18) Councillor Wells stated he was not satisfied with the buff brick proposed and would prefer to see flint on Stone Street to tie the two aspects together as it would be more in-keeping.
- (19) Councillor Duncan stated that the scheme was 'almost there,' but he could not support the proposal before the Committee. He noted that the Stone Street aspects had merits and that the city needed more residential and student accommodation.
- (20) Councillor Jones noted that the two aspects of the scheme were distinct, and he felt the Committee were being asked to accept Castle Street to achieve a good scheme at

Stone Street; however the Castle Street aspect was not of a standard that he was willing to accept.

- (21) Councillor Mac Cafferty referenced policy and stated that the Committee should seek to grant schemes in conservation areas that preserved or enhanced their character or appearance. Whilst the proposal on Stone Street was commendable it was felt this did not offset the problems with the Castle Street aspects of the scheme and the proposed height, massing and building line did not respect the rhythm and vernacular of the street. It was felt that any scheme needed to respect both the old life of the building as well as the new use and the scheme could not be supported in its current form.
- (22) A vote was taken and the Officer recommendation that full planning be minded to grant was not carried on a vote of 9 against with 3 abstentions. Councillor Littman proposed reasons for the refusal and these were seconded by Councillor Duncan. A short recess was then held to allow the Chair, Councillor Littman, Councillor Duncan, the Deputy Development Control Manager, the Senior Solicitor, the Planning Officer - Conservation and the Area Planning Manager to draft the reasons 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 with the reasons for refusal and Councillors: Mac Cafferty, Jones, Hyde, Deane, Duncan, Gilbey, Hamilton, Littman and K. Norman voted that permission be refused and Councillors: Carden, Cox and Wells abstained from the vote.

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

- i. The proposed building on Castle Street by reason of its height, massing, density, scale, building line and materials, and by virtue of it being an incongruous feature in the street scene, fails to preserve or enhance the character or appearance of the Regency Square Conservation Area contrary to policies HE6, QD1 and QD2 of the Brighton and Hove Local Plan 2005.

**D. BH2013/02799 - 13A-14 Stone Street & 19A Castle Street, Brighton -Listed Building Works** - Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.

- (1) The presentation and debate on this application were considered at minute 177(C).
- (2) A vote was taken and the Officer recommendation that listed building consent be approved was not carried on a vote of 9 against with 3 abstentions. Councillor Littman proposed reasons for the refusal and these were seconded by Councillor Duncan. A short recess was then held to allow the Chair, Councillor Littman, Councillor Duncan, the Deputy Development Control Manager, the Senior Solicitor and the Area Planning Manager to draft the reasons 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 with the reasons for refusal and Councillors: Mac Cafferty, Jones, Hyde, Deane, Duncan, Gilbey, Hamilton, Littman and K. Norman

voted that permission be refused and Councillors: Carden, Cox and Wells abstained from the vote.

177.4 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation to grant listed building consent, but resolves to **REFUSE** listed building consent for the reasons set out below:

- ii. The existing building on Castle Street has protection by virtue of being within the curtilage of a listed building and is of historical significance. There are no acceptable detailed proposals for its development. The proposed development is therefore contrary to policy HE2 of the Brighton and Hove Local Plan 2005.

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

- (1) The Chair noted that he had received a request for a site visit in respect of the application; this proposal was seconded by Councillor Wells and put before the Committee and a majority of Members agreed to defer the application to allow a site visit to take place.

177.5 **RESOLVED** – That the application be deferred to allow a site visit to take place.

**F. BH2013/04029 - 158 Tivoli Crescent North, Brighton - Householder Planning Consent -** Erection of a two storey extension at lower ground and ground floor levels and an extension at first floor level to rear elevation with associated alterations. Addition of windows and rooflights to side elevations (Part-Retrospective).

- (1) The Committee agreed to forego a presentation and the Area Planning Manager, Nicola Hurley, provided an update in respect of a minor typographical in relation to objectors listed in the report.
- (2) A vote was taken and the Officer recommendation to grant planning permission was unanimously agreed by the 12 Members present.

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

**G. BH2013/03456 - 39 & 41 Withdean Road, Brighton - Full Planning -** Demolition of existing houses and erection of 3no detached houses with associated landscaping

- (5) The Committee agreed to forego a presentation and move straight to the vote.
- (6) A vote was taken and the Officer recommendation to grant planning was carried on a vote of 11 in support and 1 against.

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

H. **BH2014/00228 - 1 Meadow Close, Rottingdean - Full Planning** - Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores. (Part-retrospective).

(7) The Committee agreed to forego a presentation and move straight to the vote.

(8) A vote was taken and the Officer recommendation to grant planning permission was carried unanimously by the 12 Members of the Committee present.

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

I. **BH2014/00431 - 31 Isfield Road, Brighton - Full Planning** - Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis) including insertion of window to north east elevation.

(1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The property currently had an existing single storey extension at the rear and permission was sought for the change of use. The main considerations related to the impact of the change of use. Currently the property was in use as a 6 bedroom C4 small house in multiple occupancy and it was licensed prior to the 2013 changes – as such the C4 use was considered to be established. Based on the level of HMO occupancy in the radius it was calculated that 15.5% were in HMO occupancy – City Plan policy CP21 discussed rates above 10% warranting a reason for refusal; however, as the use HMO was established the application should be considered in terms of the impact of the additional bedroom. The impact was considered acceptable and for these reasons the application was recommended for approval.

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

(2) In response to Councillor Duncan it was confirmed that details in relation to the cycle parking would be covered under the proposed Condition 6.

(3) In response to Councillor Mac Cafferty the dimensions of the seventh bedroom were confirmed.

(4) A vote was taken and the Officer recommendation to grant planning permission was carried on a vote of 8 in support, 2 against and 2 abstentions.

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

J. **BH2013/03993 - Park Manor, London Road, Patcham - Full Planning** - Roof extension to form 4no three bedroom penthouse flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store.

- (9) The Committee agreed to forego a presentation and move straight to the vote.
- (10) A vote was taken and the Officer recommendation to grant planning permission was carried on a vote of 9 in support, 2 against and 1 abstention.
- 177.10 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.
- K. BH2013/04299 - 22 & 24 Carden Avenue, Brighton - Full Planning** - Demolition of existing day care centre and chalet bungalow and erection of 4no semi-detached and 1no detached four bedroom houses (C3).
- (11) The Committee agreed to forego a presentation; before the vote was taken Councillor K. Norman highlighted that the residents affected by this scheme had been moved to another centre and he was satisfied that appropriate steps had been taken to mitigate the closure as part of the application.
- (12) A vote was taken and the Officer recommendation to grant planning permission was carried unanimously by the 12 Members of the Committee present.
- 177.11 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.
- L. BH2013/03400 - 112 Carden Avenue, Brighton - Full Planning** - Demolition of existing garages to rear and erection of 3no. bedroom detached dwelling with associated landscaping and access from existing driveway off Carden Avenue.
- (1) The application was deferred for a site visit as listed at minute item 176.1.
- 177.12 **RESOLVED** – That the application be deferred to allow a site visit to take place.
- M. BH2013/03914 - 61-107, 109-155, 206-252 Donald Hall Road & 13-59, 61-107 Bowring Way, Brighton - Full Planning** - Installation of render to all elevations, replacement of existing windows and balcony doors with UPVC windows and balcony doors, new felt covering to roof and associated external alterations and landscaping to 5no blocks of flats.
- (1) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The site related a number of tower blocks and each of the five blocks was six-storeys with a flat roof; other blocks in the wider area were also the subject of separate applications. Permission was sought for rendering and the replacement of windows and balcony doors and works to the roof; the application had been re-advertised due to change in the boundary ownership – since then there had been one additional letter of support and one additional letter of objection. The main considerations related to the appearance of the building, amenity and the impact on the natural environment. In terms of the render it was considered that this would improve the appearance of the

building and the insulation would not be visible and was acceptable. Some concern had been raised in respect of slow worms and the ecologist had recommended a precautionary approach. For the reasons set out in the report the application was recommended for approval.

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

- (2) In response to Councillor Duncan it was explained that the planning statement stated that the reasons for the application related to ongoing upgrading of the facilities and to improve the poor thermal performance and high fuel bills for the occupants.
- (3) In response to Councillor K. Norman it was explained that the City Council would have considered the choice of materials as the land owner, and this was phase 3 of a wider project.
- (4) Councillor Gilbey noted that she welcomed the improvements and would like this to be replicated across the city.
- (5) A vote was taken and the Officer recommendation to grant planning permission was carried unanimously by the 12 Members present at the meeting.

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

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

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

Application:	Requested by:
BH2013/03624 - The Westbourne, 90 Portland Road, Hove - Full Planning	Councillor Mac Cafferty

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

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

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

180.1 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.]

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

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

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

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

**183. APPEAL DECISIONS**

183.1 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 5.15pm

Signed

Chair

Dated this

day of