

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm, 16 JULY 2014

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Hamilton, Phillips, Pissaridou, Shanks, C Theobald and Wells

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

Officers in attendance: Paul Vidler, Deputy Development Control Manager; Nicola Hurley, Area Planning Manager; Adrian Smith, Senior Planning Officer; Rob Fraser, Head of Planning Strategy; Tim Jefferies, Senior Planning Officer, Conservation; Steven Shaw, Principal Transport Manager; Greg Minns, Environmental Health Officer; Steven Shaw, Principal Transport Manager; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer.

PART ONE

26 PROCEDURAL BUSINESS

26a Declarations of substitutes

26.1 Councillor Shanks stated that she was present in substitution for Councillor Littman. Councillor Pissaridou stated that she was present in substitution for Councillor Gilbey.

26b Declarations of interests

26.2 Councillor Pissaridou referred to Application BH2014/012636, 240 Dyke Road, Brighton stating that the applicant's school was located in her ward confirming that she had not pre-determined the application, remained of a neutral mind and intended to remain present during discussion and determination of the application. Councillor Pissaridou also stated that she had received a number of e mail's in relation to Applications BH2013/04348 and BH2013/04351, The Hippodrome and Hippodrome House, 51-58 Middle Street, 47 Middle Street, 10 & 11 Duke's Lane and land adjacent to 18-19 Ship Street. The Chair, Councillor Mac Cafferty stated that he believed that Members of the Committee had received a lot of correspondence but all confirmed that they remained of a neutral mind. The Legal Adviser to the Committee explained that as she lived in the immediate vicinity of 93 Woodland Avenue, Application BH 2013/03815, she considered she was conflicted from giving any legal advice in respect

of the application and would therefore withdraw from the Chamber during its consideration.

26c Exclusion of the press and public

26.3 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.

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

26d Use of mobile phones and tablets

26.5 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’.

27 MINUTES OF THE PREVIOUS MEETING

27.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 25 June 2014 as a correct record.

28 CHAIR'S COMMUNICATIONS

28.1 There were none.

29 PUBLIC QUESTIONS

29.1 There were none.

30 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

30.1 There were no requests for site visits in relation to matters listed on the agenda.

31 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2013/04348- The Hippodrome & Hippodrome House, 51-58 Middle Street, 47 Middle Street, 10 & 11 Dukes Lane and land adjacent to 18-19 Ship Street, Brighton - Full Planning

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

(2) The Senior Planning Officer, Adrian Smith gave a detailed presentation in relation to both the application for planning permission (BH2013/04348) and the application for listed consent (BH2013/04351) by reference to site plans, photographs and elevational

drawings. He referred to the amendments to the report and conditions set out in the Additional Representations List and to representations received following preparation of the report. He referred to the fact that a petition containing 1,083 signatures had been received by the Economic Development and Culture Committee at its meeting in January 2014 which pre-dated the planning application before the Committee for determination. Its contents had been considered however in the context of its reference to future use of the building. A petition had also been handed in the previous day containing 11,584 signatures seeking use of the Hippodrome as a live performance venue. He referred to the fact that if the Committee minded to grant Listed Building Consent that the application would have to be referred to the Secretary of State (National Planning Casework Unit) in consequence of the objection made by the Victorian Society.

- (3) The Senior Planning Officer explained that the application site forms a parcel of land set between Middle Street, Ship Street and Dukes Lane, comprised of the Grade II* listed Brighton Hippodrome and Hippodrome House (51-58 Middle Street), its service yard to the north and rear, 10 & 11 Dukes Lane, and 47 Middle Street.
- (4) Planning permission was sought for internal and external alterations to the Grade II* Hippodrome and Hippodrome House to form an eight screen cinema (D2) with 4 associated café/restaurant units. The works included the following elements: Internal and external alterations to Brighton Hippodrome and Hippodrome House to form an eight screen cinema (D2) and four associated café/restaurants units (A3) to include the following works: demolition of the fly tower and other later additions and construction of replacement rear extensions; excavation works to extend existing basements; construction of two storey extension to northern elevation; reinstatement of original Hippodrome entrance on Middle Street; demolition of 11 Dukes Lane to create a new pedestrian route; new bay window to western elevation of 10 Dukes Lane, new windows to 47 Middle Street; new windows and entrance way to Hippodrome House; reconfiguration of existing service yards and parking areas; improvements to pedestrian and disabled access to Middle Street and Dukes Lane; construction of new three storey plus basement unit on land adjacent to 18-19 Ship Street (referenced as 19A Ship Street in supporting documents and plans) comprising A1/A2/A3 use on the ground floor and B1 use on the upper floors; and other associated works.
- (5) It was further explained that the Hippodrome was had originally constructed as an ice rink before being converted first into a circus and then a variety theatre by celebrated theatre architect Frank Matcham. Following the closure of the variety theatre in the 1960's, the building operated as a Bingo Hall. This use had now ceased and the Hippodrome had lain vacant since 2007.
- (6) The Hippodrome was in a very poor condition having deteriorated over a long period of time such and had been classified as a 'Building at Risk' on the English Heritage and council registers. The extent of deterioration included extensive water and damp penetration, the failing of the ornate plaster decorations, and evidence of failure to structural timbers and corrosion to steelwork.
- (7) The Senior Planning Officer explain that the main considerations in the determination of this application related to the principle of the development in relation to the partial demolition, extension and conversion of the grade II* listed Hippodrome and

Hippodrome House and its impact on their heritage significance, the impact of the extensions and alterations on the character and appearance of the Old Town Conservation Area, the strong statutory presumption that arises against granting planning permission where development is likely to harm a heritage asset, and the impact of the development as a whole on the amenities of adjacent occupiers. Further material considerations included the acceptability of the public realm works, the principle of providing new A1, A3 and B1 units within the application site, the transport implications of the development and sustainability matters. In order to address and allay concerns that conversion would permanently disable the Hippodrome's future ability to operate as a theatre or other performance venue; the applicants had sought to design in elements of reversibility into the proposals so that they would not preclude a future conversion back into a performance venue. Specifically, the three semi-basement auditoria and mezzanine floor within the Hippodrome itself were designed to be essentially stand alone structures that could be removed to allow for a new raked floor for seating to be inserted with minimal interference to the fabric of the building. The extension that replaced the existing fly tower to the rear had intentionally been scaled designed and positioned in order to be readily adapted into a new fly tower and stage house should the need arise without the need for total demolition and rebuild. The applicants had also provided track plots to demonstrate the access into the service yard by articulated lorries and pantechnicons would remain largely as existing such that a future theatre use could be serviced to the same extent as currently.

- (8) The Senior Planning Officer concluded his presentation by stating that issue of viability had been one of the major considerations in assessing the scheme. The Grade II* Brighton Hippodrome and Hippodrome House were in a poor state of repair and had deteriorated to such an extent that they had been identified as Buildings at Risk on English Heritage's register and the council's own. It was considered that it had been satisfactorily demonstrated that the proposed development to part demolish, extend and convert the buildings to form a cinema complex with associated restaurants represented the optimum viable use of the buildings.
- (9) The proposed extensions, alterations and restorations would result in a very significant public benefit by both restoring and re-occupying the most significant parts of the listed buildings and contributing positively to the overall character and regeneration of the conservation area. This significant public benefit would outweigh the strong statutory presumption against planning permission being granted where harm to the preservation of a listed building, its setting, or to a conservation area had been identified, to which considerable weight had been attached. Subject to conditions, the proposed uses would not have a significantly detrimental impact on the amenities of adjacent occupiers or on highway safety. Taken overall, the condition of the listed building and public benefit derived from the positive aspects of the proposals were therefore considered to outweigh potential harm of the various elements of the buildings and insertions in accordance with the NPPF and development plan policies. Minded to Grant planning permission was therefore recommended subject to a S106 agreement and the Conditions and Informatives set out in section 11 of the report.

Public Speaker(s) and Questions

- (10) Mr Pol the Co-Chair of the Middle Street, Ship Street and Ship Street Gardens Residents Association addressed the Committee. Whilst residents supported the

concept of suitable viable development which would return the site to use they did not agree that the proposed development was of an appropriate design, nor that it would not have a detrimental impact on neighbouring buildings or the character of the conservation area. Residents did not feel that they had been properly consulted in respect of the proposed form of development. Residents regarded the proposed rear extension to be particularly detrimental to the adjacent residential properties. Residents were also concerned in respect of the proposals to include shops and restaurants within the proposed form of development and the pressure which any additional footfall could put on the surrounding narrow twittens.

- (11) Councillor Davey sought clarification regarding residents' objections to the retail units within the site and Mr Pol explained that in the current economic climate local businesses and restaurants were placed under increasing financial pressure, the introduction of new businesses would squeeze those already there.
- (12) The Chair, Councillor MacCafferty referred to the fact that often when major schemes were in the process of being submitted residents were often approached throughout from inception to submission of the scheme and enquired as to the number of meetings and level of consultation that had taken place in this instance. Mr Pol stated that there had been no separate consultation and nothing in addition to the two day exhibition that had been held.
- (13) Mr Neate spoke on behalf of the applicants in support of their application. He considered that it was important the building had not originally been built as a theatre, but as an indoor ice skating rink, then a circus and most recently as a Bingo Hall. Whilst the building had been in use as a theatre that had been of relatively short duration and amongst a number of other uses. Their scheme sought to re-invigorate and restore the building and to enable the public to have access to it which was not the case at present and sought to recognize its importance as a heritage asset. The scheme would be executed in a manner which would enable it to be returned to use as a theatre venue should that be a viable option in future.
- (14) In answer to questions of Councillor Hyde regarding the level of public consultation which had taken place Mr Neate explained that a two day public exhibition had been mounted and that materials on display there had included reference to the proposed developers web address. The applicants had not had knowledge of a residents association.
- (15) Councillor C Theobald asked whether the site had been actively marketed as a theatre and why it had been allowed to deteriorate over the past seven years into its current condition. Mr Neate explained that at present responsibility for the site lay with the current tenants, a contributory factor in part was the number of years it had been vacant. However pending the proposed re-development works had been undertaken to prop up those parts of the building which were in a parlous condition and to make the building watertight.

Questions for Officers

- (16) Councillor Theobald referred to assessments made regarding the viability of the scheme bearing in mind that there were already a number of cinemas in the city. In her view the

number of screens proposed seemed very high. She also referred to reversibility of the proposed use in the event that the proposed venture failed.

- (17) Councillor Hyde referred to the proposed modern aspect to the Middle Street frontage enquiring why that design solution had been chosen. The Senior Planning Officer stated that planning policies did not preclude well designed modern buildings, a number of amendments had been made following as a result of discussions with officers and this element of the scheme was not considered at variance with the setting of the conservation area subject to approval of all final details in relation to finishes and materials. In response to further questions the distances between the rear extension was given. The Heritage Officer confirmed that a number of changes had been made to the originally submitted plans and that this building was of a size massing and proportions that were comparable with its neighbours. It should be noted that although the conservation area contained a number of listed buildings, it was not characterised by one particular building style but had within it buildings of varied styles and ages.
- (18) Councillor Hyde also referred to the signage to be used but it was explained that this did not form part of the application before the Committee that day.
- (19) The Chair, Councillor MacCafferty explained that as the site was of national, arguably international importance because of its architectural heritage a number of factors needed to be balanced in determining the application.
- (20) Councillor Jones sought further clarification regarding the stand alone elements of the scheme which would be reversible should a theatre use be required at a future date.
- (21) Councillor Davey sought clarification regarding configuration of the internal space within the Hippodrome building and location of viewing screens within the cinema complex. Councillors Davey and Cox sought clarification of the access/egress arrangements and the distance between the proposed new elevations to the rear of the site.
- (22) Councillor Shanks enquired regarding whether large vehicles would be able to access the site (for example carrying theatrical scenery) following completion of the works and it was confirmed that they would be the same as currently.
- (23) Councillor Pissaridou enquired regarding access by the public and it was explained that anyone entering the building would be able to view the restored building. In answer to further questions it was explained that the restaurant, café and retail elements of the scheme were considered to be integral to the viability of the scheme by the applicants.
- (24) Councillor Davey enquired regarding any other viable uses and tests that had been undertaken to ensure that any element of harm to the listed building and its environs were mitigated against.
- (25) Councillor Pissaridou referred to the level of investment proposed to convert the building to its proposed use and to convert it to a theatre. It was noted that should the building be required for use as a theatre at a future date the cost of conversion would have already been met in part by the current proposals.

Debate and Decision Making Process

- (26) Councillor Jones, the Deputy Chair stated that he had given a great deal of thought and consideration which was the only current proposal to retain the building and noted that at present the public did not have access to the building at all and that it was in a very poor state of repair so much so that it had been placed on buildings at risk registers.
- (27) Councillor Cox concurred in that view stating that this application did appear to be the “only game in town”. The Hippodrome building was clearly in an advanced state of deterioration having stood empty for a number of years and if something was not done soon it could well be lost. Whilst use as a theatre would be his preferred choice that was not the application before the Committee and it did not appear that such an application was likely to be brought before them in the foreseeable future. This application needed to be determined and he felt able to support it.
- (28) Councillor Davey stated that he also supported the officer’s recommendations. The proposed use would affect the changes that were required in order to make the building safe and would return it to public use whilst not precluding its future use as a theatre.
- (29) Councillor Pissaridou concurred with the views expressed by other Members whilst agreeing that it was not an easy decision to make it was clear that at present the options were either to agree this application or to have nothing and leave the site to deteriorate further. It was far better to have this use than to have nothing, particularly in view of the reversible elements of the scheme.
- (30) Councillor Hyde supported all that had been said stating that she would be voting for the officers recommendations.
- (31) Councillor Theobald stated that she did not feel able to support the recommendations as she felt that the venue had not been marketed sufficiently as a theatre and she considered that the building should be returned to use as a theatre.
- (32) Councillor Carden agreed with Councillor Theobald stating that he was of the view that loss of the building for use as a theatre was to be regretted and he could not support it.
- (34) Jim Gowans, CAG responded in answer to questions that CAG had divided views about the application. Overall they had no objections to the principle of the scheme or the restoration/refurbishment proposed, including those to the canopy, façade and interior, they did however have some concerns regarding the new building and how its design would sit in relation to the neighbouring street scene.
- (35) Councillor MacCafferty, the Chair stated that he had poured over the application and struggled with considering the principle of it for days. The site and the Hippodrome building itself were of wider importance than to the city alone being of national and arguably wider significance. He had serious concerns regarding the overall viability of the scheme and was mindful in particular of the comments that had been received from the Victorian Society. He did not feel able to support the recommendations at this stage and concluded by stating that his preference would be to defer consideration of this application in order to enable continued dialogue to take place and to allow time for other applications to come forward including one for use as a theatre space.

- (36) The Legal Adviser to the Committee stated that in order to defer the application detailed and robust reasons for doing so would need to be given. The Committee as local planning authority had a legal duty to determine applications that came before them.
- (37) Councillor Cox stated that in view of the debate that had taken place he was perplexed that the Chair had raised these issues so late in the process. The Chair responded that he had considered it important not to seek to steer the debate and for Members to have the opportunity to formulate their own views in respect of the application. Councillor Shanks stated that in order to support deferral she was of the view that would need to know how long they were deferring consideration for and whether there was a reasonable prospect of another application being submitted in the foreseeable future.
- (38) The Senior Planning Officer confirmed in answer to questions that although he had been in discussion with Our Brighton Hippodrome since March 2014 and had encouraged them to put forward alternative proposals and further information for consideration that had not happened and there were no indications that such details were imminent.
- (39) The Deputy Development Control Manager, Paul Vidler stated that the application before the Committee had been the subject of a detailed presentation and lengthy debate. Arguments in support of and against the scheme had been put and Members had heard that no other viable scheme was anticipated. The current condition of the building and the fact it was deemed “at risk” had been given weight by officers and underpinned their recommendations. The Committee needed to deal expeditiously with all applications which came before them unless they had compelling reasons otherwise.
- (40) Councillor Theobald indicated that she would be prepared to support a proposal to defer if that was put formally but the Chair stated that he sensed that the mood of the Committee was that it wished to determine the application and also mindful of the advice given he considered it was appropriate to proceed to the vote.
- (41) A vote was taken and on a vote of 8 to 3 with 1 abstention Members resolved that they were minded to grant planning permission as set out below which include the amendments set out in the Additional Representations List:

- 31.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in the report and the amendments set out in the Late Representations List and reproduced below.

Amended conditions 4, 13 & 23 to read:

4. The D2 (cinema) use hereby permitted shall not be open to customers except between the hours of 09:00 Sundays to Thursdays, and 02.00 the following day.

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

13. No works to any property on Dukes Lane shall take place until 1:20 scale elevations and sections of the new bays to the gable ends of 10 and 12 Duke’s Lane have been submitted to and approved in writing by the Local Planning Authority. The

works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

23. No works to form the portico and stepped access into Hippodrome House shall commence until the adopted highway on Middle Street where the new portico and steps are proposed, as is indicated on drawing no. P101 revision B received on 28 May 2014 (proposed ground floor plan), has been stopped up.

Reason: To ensure that satisfactory access arrangements are provided to the development and to comply with policy TR7 and TR8 of the Brighton & Hove Local Plan.

Additional Condition:

No development shall take place until full details of the elevational treatment of the new building fronting Ship Street, including 1:20 scale elevations and 1:1 scale profiles, where appropriate, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full in accordance with the approved details.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan.

Additional Condition:

Prior to their installation a written scheme for new street nameplates for the development shall be submitted to and approved in writing by the Local Authority. The nameplates shall be installed in strict accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

B BH2013/04351-The Hippodrome & Hippodrome House, 51-58 Middle Street - Listed Building Consent

- (1) It was noted that this application had been the subject of a site visit prior to meeting.
- (2) The Senior Planning Officer, Adrian Smith explained during his presentation that paragraph 8.7 which currently read "less than significant harm" should be amended to read "less than substantial harm. The report recommendation had been amended as set out in the Additional Representations List to reflect the fact that if the Committee were minded to grant Listed Building Consent the application would have to be referred to Secretary of State (National Planning Casework Unit) because of the objection made by the Victorian Society.
- (3) A vote was taken and on a vote of 8 to 4 Members approved the amended recommendation set out below:

31.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** Listed Building Consent

subject to there being no call in of the application pursuant to s13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the Conditions and Informatives set out in section 11 of the report.

C BH2014/01281- 6 Norfolk Terrace, Brighton - Full Planning

(1) A vote was taken and Members voted unanimously that planning permission be granted for the reasons set out in the report.

31.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11 of the report.

D BH2014/01207- 6 Norfolk Terrace, Brighton - Listed Building Consent

(1) A vote was taken and Members voted unanimously to grant Listed Building Consent subject to the Conditions and Informatives set out in the report.

31.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives set out in section 11 of the report.

E BH2013/03815 - 93 Woodland Avenue, Hove - Householder Planning Consent

(1) The Area Planning Manager, Nicola Hurley introduced the application and gave a presentation by reference to plans, photographs and elevational drawings which showed the existing property and proposed development. The amendments made to the scheme originally submitted were also shown and it was also proposed that a condition be added requiring that obscure glazing be fitted to the south facing elevation to the extension.

(2) It was considered that the proposed extension was of a suitable design and would not harm the appearance of the building or wider street scene, or harm the amenities of adjacent occupiers, in accordance with development plan policies. Approval was therefore recommended.

(3) A vote was taken and Members voted by 11 with 1 abstention that planning permission be granted in line with the recommendations set out in the report and the additional condition set out below:

31.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

The following condition was recommended by officers and was also agreed to be added at Committee:

The proposed window in the south facing elevation of the extension hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Note: Having declared a prejudicial interest in respect of the above application the Senior Solicitor and Legal Adviser to the Committee withdrew from the meeting during consideration of the above application.

F BH2014/01236- 240 Dyke Road, Brighton - Full Planning

- (1) The Area Planning Manager, Nicola Hurley introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The site related to a semi detached property located on the eastern side of Dyke Road, close to the junction with Wincome Road. The two storey property was currently in use as a single family dwelling. The main considerations in determining this application related to the acceptability of the proposed change of use, the impacts upon the neighbouring properties and transport and sustainability issues. The applicant currently operates 3 children's homes within the City and it was proposed that the home would operate and be managed in a similar manner to that located in Seafield Road, Hove. No more than 5 young people would be residing at the property at any time and given the size of the property that number or more could be living there if it was a residential dwelling.
- (2) It was considered that the proposed change of use was acceptable in terms of policy requirements and was not considered to be out of character with the surrounding area. Subject to compliance with the recommended conditions, it was not considered that the proposed use as a children's care home would have a significant detrimental impact on the amenity of neighbouring properties or parking within the area and approval was therefore recommended.

Public Speaker(s) and Questions

- (3) Dr Simcock spoke as neighbouring resident setting out his objections to the scheme and those of four other neighbours. He disputed the applicant's assertion that they had been unable to find other suitable accommodation elsewhere in the city, contending that they should be required to prove that this was the case. There were also concerns about bringing young people who had complex issues into close proximity to other families bearing in mind that the property was semi-detached rather than detached. As these children required support he contended that this would generate more traffic movements and footfall to the property than those to a residential property and would impact on parking and traffic flows to a far greater extent than had been indicated. Additionally the proposed use was contrary to the council's own policy HO9 and would set an undesirable precedent which could give rise to the loss of residential family properties elsewhere across the city.
- (4) Mr Menedue spoke on behalf of the applicants and was accompanied the manager who ran the group's existing homes in the city. He explained in answer to questions by Councillor Jones that the Lioncare Group had run homes successfully across the city for

23 years and had assisted 150 children. They had been looking for a house with suitably sized bedrooms for the last 3-4 years but had not been able to find any that were not too far from the city centre. The home would provide accommodation for children aged between 12-16 years usually for between 18 months and 4 years. Staff would be encouraged to use public transport and in addition to the children there would be a Manager, Deputy Manager and 6/7 staff.

- (5) In answer to questions by Councillor Hyde it was confirmed that there would be 3 staff on site at any one time all of whom were highly trained.
- (6) The Chair referred to paragraph 4.2 of the report which stated that placements to the home would not be open to young people with severe learning or physical disability, severe mental health disorders, acute drug or alcohol dependence or a propensity for ongoing criminal behaviour in the community. It was confirmed this would be adhered to.
- (7) In answer to questions by Councillors Theobald and Pissaridou it was confirmed that the children would all be at school during the day and would travel to their respective schools each day on foot or by public transport. After school they would attend clubs and activities as did other children and at weekends would have contact with their families or go out with friends.

Questions for Officers

- (8) Councillor Cox referred to the earlier permission which had been given to convert the property to a residential home enquiring whether permission should have been sought to return it to use as a family home. The Area Planning Manager explained that that the earlier permission may not have been implemented and that although that might have been the case technically, planning policies had changed significantly since permission had first been granted. The current application had been considered against current policies.
- (9) Councillor Wells referred to the comments made by the objector that the application was contrary to policy H09. The Area Planning Manager explained that H09 related to retention of smaller dwellings where permission was being sought to convert them into flats so was not relevant to consideration of this application.
- (10) A vote was taken and on a vote of 11 with 1 abstention Members voted to grant planning permission.

31.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

G BH2013/04367-13 Wilbury Road, Hove - Full Planning

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

- (2) The Area Planning Manager, Nicola Hurley gave a presentation by reference to plans (including block plans), photographs and elevational drawings including those showing the existing rear projection and an aerial view which showed the site in the context of the neighbouring and wider street scene. It was noted that the application site comprising a large detached villa style building to the west side of Wilbury Road was currently vacant having last been occupied as five self contained flats.
- (3) It was considered that the development would meet the aims of the Local Plan and would continue to provide residential units capable of family occupation. Whilst the existing units did not meet the criteria set out in policy HO9, given the reconfiguration of the existing units which was proposed together with the additional space which would be provided by the extension for the units as proposed it was considered that it would be appropriate for an exception to be made to policy H09. Also, the development would provide an adequate standard of accommodation and would not harm the visual amenities of the area, the amenity of nearby residential occupiers or highway safety. Approval was therefore recommended.

Public Speaker(s) and Questions

- (4) Councillor Hawtree spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme and those of Councillor Wealls who was also a Local Ward Councillor but had been unable to attend the meeting. The view from the rear gardens of these properties was remarkable, considerable attention had been given to the brickwork and detailing which gave this row of buildings a pleasing symmetry, notwithstanding the existing extension. The proposals would destroy this and would have a detrimental impact on neighbouring buildings including loss of light to dwellings situated to the rear in Wilbury Grove.
- (5) Mr Lap Chan spoke on behalf of the applicant in support of their application. He explained that the application before the Committee that day had undergone a number of amendments following consultation with officers and in order to respect neighbouring amenity and in order to mitigate any potential overlooking.

Questions for Officers

- (6) Councillor Hyde referred to the rendered finish proposed to the rear elevation seeking confirmation whether it was intended that this would be painted. The applicant who was in attendance confirmed that it would and would be of an appropriate shade which would respect neighbouring properties.
- (7) Councillor Cox requested confirmation of the location of the parking space on site and it was shown by reference to photographs.
- (8) Councillor Pissaridou stated that Councillor Wealls had referred to the proposed form of development having the potential to cause a greater degree of overlooking and loss of light and sought confirmation of the measures which had been taken to address this, also the distance from the neighbouring properties to the rear and whether the 45 degree angle had been compromised.

- (9) The Area Planning Manager explained that the distance between the site and neighbouring properties was considered sufficient not to impact on privacy and any diminution of light would not be sufficient to warrant refusal of planning permission.
- (10) Councillor Theobald sought clarification regarding the extent to which the extension would project into the existing garden area.

Debate and Decision Making Process

- (11) Councillor Theobald stated that although she liked the scheme she considered that the rear extension would be overly dominant and overpowering of its rear neighbours and for that reason she would be voting against the application.
 - (12) Councillor Hyde stated that having attended the site visit she considered that the proposals would result in sympathetic improvements to the appearance of the existing building including those made to the garden area and that on that basis she would be supporting the officers recommendations.
 - (13) A vote was taken and on a vote of 11 to 1 Members voted to grant planning permission.
- 31.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in section 11 of the report.

Condition 2 to be amended to include reference to the following plans:

Plan Type	Reference	Version	Date Received
Site and Block Plan,	1384-P-01,	P1,	23/12/2013
Lower Ground Floor Plan as Existing,	1384 –P-02,	P1,	23/12/2013
Ground Floor Plan as Existing,	1384-P-04,.	P1,	23/12/2013
Second Floor Plan as Existing,	1384-P-05,	P1,	23/12/2013
Third Floor Plan as Existing,	1384-P-06,	P1,	23/12/2013
Roof Plan as Existing,	1384-P-07,	P1,	23/12/2013
North & East Elevations,	1384-P-08,		23/12/2013
as Existing			
South & West Elevations,	1384-P-09,	P1,	23/12/2013
As Existing			
Section AA as existing,	1384-P-10,	P1,	23/12/2013
Lower Ground Floor Plan,	1384-P-12,	P2,	28/02/2014
As Proposed			
Ground Floor Plan as Proposed,	1384-P13,	P4,	13/05/2014
First Floor Plan as Proposed,	1384-P-14,	P2,	28/02/2014
Second Floor Plan as Proposed,	1384-P-15,	P2,	28/02/2014
Third Floor Plan as Existing,	1384-P-16,	P3,	13/05/2014
North & East Elevations,	1384-P-18,	P6,	16/07/2014
As Proposed			
South & West Elevations,	1384-P-19,	P6,	16/07/2014
As Proposed			

Section AA as Existing, 1384-P-20, P1, 23/12/2013

32 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

- 33.1 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.]

34 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

35 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

36 APPEAL DECISIONS

- 36.1 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.

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

- 37.1 There were no requests for site visits in relation to matters listed on the agenda.

The meeting concluded at 5.00pm

Signed

Chair

Dated this

day of