

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 20 APRIL 2016**

**THE RONUK HALL, PORTSLADE TOWN HALL**

**MINUTES**

**Present:** Councillors: Cattell, Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Inkpin-Leissner, Littman, Miller, Morris, O'Quinn, Wares and Wealls

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

**Officers in attendance:** Nicola Hurley (Planning Manager, Applications), Paul Vidler (Planning Manager, Major Applications), Liz Arnold (Principal Planning Officer), Sanne Roberts (Planning Officer, Heritage & Design), Annie Sparks (Environmental Health Manager), Sam Rouse (Senior Technical Officer, Environmental Health), Steven Shaw (Development & Transport Assessment Manager), Hilary Woodward (Senior Lawyer) and Penny Jennings, Democratic Services Officer

**PART ONE**

**173 PROCEDURAL BUSINESS**

**173a Declarations of substitutes**

173.1 Councillor O'Quinn stated that she was in attendance in substitution for Councillor Hamilton and Councillor Wealls stated that he was in attendance in substitution for Councillor Bennett.

**173b Declarations of interests**

173.2 Councillors Barradell, Inkpin-Leissner and Miller confirmed that they had received correspondence from the applicant in relation to applications (A),(B) and (C), BH2015/03108, BH2015/03110, and BH 2015/03112, St Aubyn's School, 76 High Street, Rottingdean, Brighton, respectively, requesting that consideration of the applications be deferred. All three councillors confirmed that they had not responded on the matter, remained of a neutral mind and would remain present at the meeting during consideration and determination of the application.

173.4 Councillor Gilbey referred to application(D), BH2015/04564, Mile Oak Inn, Mile Oak Road, Portslade stating that although the licensee of the public house was known to her that she remained of a neutral mind in respect of the application and therefore intended to remain present at the meeting during its consideration. Councillor Gilbey

confirmed that she had visited the premises accompanied by her fellow ward councillor and that at that time she had not expressed any opinion in respect of this application. On becoming aware of the intended occupant of the retail unit (The Co-operative Food) Councillor Gilbey stated that she was also a Member of the Co-Operative Group. It was noted that this was a separate entity from the store group applying for use of the retail outlet element of the scheme. Councillor Gilbey confirmed that she remained of a neutral mind in respect of that element of the scheme too.

173.5 Councillors Barradell, Inkpin-Leissner and Morris confirmed that they were Members of the Labour and Co-operative party on realising that the retail outlet element in respect of application (D), BH2015/04564, Mile Oak Inn, Mile Oak Road Portslade was to be occupied by a Co-operative food store and that they were also members of the Co-op. It was confirmed that this was a separate entity from the store group applying for use of this retail store and all three members confirmed that they remained of a neutral mind and would therefore remain present at the meeting during consideration of the application.

173.6 Councillor Littman referred to application (D), BH2015/04564, Mile Oak Inn, Mile Oak Road Portslade confirming that he was also a member of the Co-operative society and that this was a separate entity from the store group applying for use of this retail store. He confirmed that he remained of a neutral and would therefore remain present at the meeting during consideration of the application.

#### **173c Exclusion of the press and public**

173.6 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.

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

#### **173d Use of mobile phones and tablets**

173.8 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 'airplane mode'.

#### **174 MINUTES OF THE PREVIOUS MEETING**

174.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 30 March 2016 as a correct record.

#### **175 CHAIR'S COMMUNICATIONS**

175.1 There were none.

**176 PUBLIC QUESTIONS**

176.1 There were none.

**177 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

177.1 There were none.

**178 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS****A BH2015/03108, St Aubyns School 76 High Street Rottingdean Brighton**

Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures. Retention of existing sports pavilion, war memorial, water fountain and chapel. Residential conversion and refurbishment works to Field House, terraced cottages and Rumneys building, construction of new residential blocks and dwellings houses to provide a total of 48no residential dwellings (C3). Construction of part 2no, part 3no storey residential care home building providing a total of 62 bedrooms (C2). Revised access and landscaping works, provision of garages, car parking spaces, cycle storage and refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works.

- (1) It was noted that this application and the two applications for Listed Building Consent following it (B and C on the Minor Applications List) had been the subject of a site visit prior to the meeting. It was explained that the presentation and public speaking would relate to the considerations in respect of all three applications, with each voted on separately by the Committee.
- (2) The Principal Planning Officer, Liz Arnold gave a presentation by reference to photographs showing the constituent elements of the site and views across it, also plans and elevational drawings. Reference was also made to the further representations received and set out in the late Additional Representations List. It was noted that no new matters had been raised.
- (3) It was noted that St Aubyns School closed in mid-2013, it had been a fee paying school with boarding facilities (use class C2). The former school was located in its own grounds on the eastern side of the High Street and incorporated playing fields to the rear/east of the school. The site was of 3.3Ha, although the campus and field was physically divided by a public twitten that ran between Steyning Road and Marine Drive. In addition to the main school building, the Chapel and the boundary wall flint wall fronting the High Street were Grade II listed however all buildings, structures and flint walls located within the site (school campus and playing field), which were built before 1948 and were in associated use at the time of listing were considered curtilage listed. The school campus, itself, approximately 0.86Ha included;
  - The main school building (known as Field House/76 High Street) and its adjoining Chapel (Grade II Listed),
  - The listed boundary wall fronting the High Street (Grade II listed),
  - A row of internally linked terraced cottages (including Rumneys) (pre-1948 and curtilage listed),

- Other outbuildings associated with the school (circa 1980-1995) including
  - classrooms, dormitories, gymnasium, changing rooms, and Headmaster's residence,
  - An outdoor swimming pool,
  - Shooting range (pre-1948 and curtilage listed),
  - Terraced gardens, and
  - Equipped children's play area.
  - The existing playing field measured approximately 2.5Ha and comprised of:
    - Sports pavilion (pre-1948 and curtilage listed),
    - War memorial (pre-1948 and curtilage listed),
    - Water fountain (pre-1948 and curtilage listed), and
    - 2 tennis courts with associated net fencing and cricket nets.
- (4) The school campus site was located within the Rottingdean Conservation Area, the boundary of which ran along the eastern side of the twitten and therefore excluded the playing field. Never-the-less the playing field was considered an important part of the setting of the Conservation Area, providing a distinction between the historic village and the surrounding suburban environment. The site was located on a sloping hillside which rose from west to east from the valley floor, with a level change of approximately 5m between the school's main building and the middle of the playing field. This change of levels accounted for the existing predominance of garden terracing to the school building. One of the boundaries of the South Downs National Park was located approximately 119m to the east of the playing field.
- (5) The main considerations in determining the application related to the principal of the proposed development, the impacts of the proposed development on the visual amenities of the site and surrounding area, (including the Rottingdean Conservation Area and its setting), the impacts upon the Listed Buildings located within the site and their setting and financial viability. The proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, standard of accommodation, ecology, sustainability impacts needed to be addressed. A planning brief had been prepared for the site in order to guide sensitive future redevelopment of the site following closure of the school in April 2013. The brief had been prepared by the Council in partnership with Rottingdean Parish Council and with the engagement of the landowner, the Cothill Educational Trust (joint applicant of this application). The brief sought to provide a planning framework to facilitate sensitive redevelopment.
- (6) The constituent elements of the scheme were set out in detail including those contained in the two Listed Building consent applications that had been submitted concurrent to this application with regards to demolition and conversion works. The post 1948 buildings located on site were proposed for demolition as part of the proposal and this was considered acceptable in principle. Field House, the main school building was of significance as an early large residence and due to its early use as a school, its plan form and surviving historic features were of significance notwithstanding alterations which had been made over the years. The proposed alterations to the rear elevation were considered inappropriate. The proposed lift was also considered to have an unacceptable impact on the building. The existing Chapel was attached to the main Listed Building and as such it was considered to form part of the listing of the school despite what had been stated within the applicant's submitted

Heritage Statement. As such any alterations to the Chapel would require Listed Building Consent.

- (7) The proposal included construction of a new care home and 10 new dwellings (3 and 4 bedroom) in the southern part of the existing playing field, resulting in a development of approximately 0.8Ha of the former playing field. The proposed residential development on the former playing field would not have a traditional layout and would not reinforce the local character or urban grain of the area. It was also considered that this element of the proposal would fail to successfully address the street, without a strong sense of public/private space or strong building lines. The proposed care home was considered to be excessive in scale, massing and footprint and would appear dominant in relation to the footprint of the main Listed Building, which was itself a relatively large building. The proposed care home would also be an incongruous feature in relation to the tight knit urban grain of the Conservation Area and to the setting of the Listed Building. The impact of the proposed development on strategic views including those from Beacon Hill were also shown in photographs and an assessment of the impact of the proposed new build within the site. Whilst new buildings which would contribute towards the city's identified housing need were welcomed, there was no provision for affordable housing as required by the Brighton & Hove City Plan which had been adopted in March 2016, and the previous local plan. An independent assessment provided by the District Valuer had indicated that this would be viable although the applicant demurred from that view.
- (8) The Planning Officer, Heritage and Design, Sanne Roberts, was in attendance at the meeting and referenced those elements of the site which were listed in their own right and those which were curtilage listed and their rationale for the views of the Heritage Team in supporting recommendations that the application be refused.
- (9) The existing playing field was an identified open space and sports area and in respect of the current proposal the partial loss of the existing school playing field was being considered on the basis that the loss would be mitigated by the retention of the remainder for public use. Retention was required in order to meet the existing objectively assessed open space needs. The option explored in the application was for transfer of the retained playing field land to the City Council with a maintenance fund of £93,000 to cover a 10 year period. Such transfer and fund provision was proposed by the applicants in order to secure the long term public access. However due to public sector austerity the Council was only in a position to accept additional land where sufficient monies were provided to ensure maintenance for 25 years, for which a maintenance cost of £500,000 would be required. Without the transfer of the retained playing field and associated features, such as fencing and the existing sports pavilion in a good state of repair and the provision of the maintenance fund the applicant would need to demonstrate how the land would be retained and maintained to provide satisfactory/unrestricted public access (which is a material consideration regarding the loss of part of the existing open space).
- (10) Overall, whilst the public benefits of the proposed development were noted, including the re-use of the currently vacant school buildings, the future conservation of Listed Buildings, the delivery of much needed housing and the transfer of the retained playing field to the Council for public open space. These public benefits were outweighed by the overall shortcomings of the proposed development, including the lack of provision

of affordable housing, the failure of the proposal to secure future use of the Chapel, the harm caused by the massing/design of new buildings and the harm that would be caused to Listed Buildings/Curtilage Listed Structures as a result of the proposed conversion and/or alterations in addition to the harm caused to the Conservation Area and its setting and the setting of the Listed Buildings.

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

- (11) Mr Smith and Ms Mosse spoke on behalf of objectors setting out their objections in respect of all three applications currently put forward in respect of the site. They considered that the care home proposals would result in a building of too great density for the site and its proposed specialism in dementia was not necessary given that there was an 80 bed unit located in Woodingdean. The proposed changes of use were in contravention of existing covenants and in their view any loss of green space should be resisted, there had been an 1800 signature petition seeking to retain the playing field. Loss of 60% of the Listed Buildings was unacceptable as would be the detrimental impact on traffic, air quality and increased flood risk. Much of the application ran counter to the Planning Brief and newly adopted City Plan. The independent viability assessment by the District Valuer was significantly different from that provided by the applicant.
- (12) Councillor Mears spoke in her capacity as a Local Ward Councillor setting out her objections in respect of all three applications currently put forward in respect of the site. In her view the proposed form of development represented serious overdevelopment and would have a serious impact on Rottingdean Village. To build 48 residential homes, and a 62 bed care home was too large a development for the existing infrastructure, with the additional traffic movements having a serious impact both on road capacity, congestion, air quality and pollution and creating the potential for serious accidents; also on sewage and drainage. A new care home would increase the already large numbers of elderly and disabled residents and increase the strain on local GP surgeries. The impact of the Listed Building applications which included for removal of large areas of the existing flint boundary wall and demolition of 60% of the former building did not respect the historic nature of the site and would have a negative impact both on the site itself and did not respect the character of the village or surrounding area.
- (13) Councillor Shepherd spoke in his capacity as a Member of Rottingdean Parish Council setting out the Parish Council's objections in respect of all three applications currently put forward in respect of the site. Councillor Shepherd stated that whilst the Parish Council recognised that redevelopment of the site was accepted it was important that this should be done sympathetically respecting both the listed and curtilage listed buildings on site and its context in relation to the wider setting of Rottingdean Village and in longer views. To that end the Parish Council had provided input into the Planning Brief. Whilst welcoming some elements of the scheme, overall they considered that it represented overdevelopment as some elements of scheme were of too great a density and would have a negative visual impact, also in respect of traffic volume and air quality and would not provide adequate infrastructure provision. Any positive contribution was outweighed by the negative elements of the current scheme.

- (14) Mr Williams spoke on behalf of the applicants requesting that the Committee agree to defer consideration of the applications before them in order to enable further work to be undertaken in relation to the viability assessment provided by the District Valuer - an assessment with which the applicants fundamentally disagreed; also to carry out further work in relation to the air quality assessment. Mr Williams stated further that the applications before the Committee would deliver a number of significant public benefits. As well as providing housing which would go towards satisfying the city's unmet housing need, the care home with specialist facilities for the care of those suffering with dementia, would also answer an identified local need. Although part of the playing field would be lost the scheme would provide public access to the remainder which was not currently available. The scheme would deliver a high quality development and further time was requested to resolve these issues.
- (15) Councillor Morris asked the applicant's representative why the District Valuer's assessment had been rejected and Mr Williams explained that they did not agree with the assumptions or methodology used in arriving at his conclusions. Councillor Barradell asked why the applicants were requesting that the application be deferred rather than withdrawing it and it was explained that to do so would run contrary to the contractual arrangements which existed between the applicants.
- (16) Councillor Miller referred to the fact that although the applicant's representative had raised two issues there were in fact a large number of reasons for refusal proposed querying why these had not also been addressed. Mr Williams stated that in the applicants view they were unable to move forward until the viability issue had been addressed as that impacted on the scheme overall.
- (17) Councillor Miller also referred to the status of the Chapel for which no community interest had as yet been forthcoming expressing concern regarding the fact that it would continue to deteriorate. Councillor C Theobald also expressed the same concerns. The Legal Adviser to the Committee, Hilary Woodward, explained that were approval to be recommended community use would be covered by a s106 agreement and the nature of a s106 agreement was such that it was enforceable against successive landowners.
- (18) Councillor O'Quinn enquired as to the rationale for the care home specialising in dementia and it was explained that this was based on an assessment of such needs identified by the council's adult social care team. Officers clarified that such provision would be available to anyone and would not be available solely for those living locally within the city.
- (19) Mr Gowans, CAG referred to the circulated site plans, seeking clarification that a garage building shown on them should have been included as proposed for demolition. It was confirmed that was the case.
- (20) The Chair referred to the fact that notwithstanding the applicant's request for deferral, and the two reasons cited for that there were a large number of other reasons proposed for refusal. She considered that it would be appropriate therefore for the applications to be determined as put forward. As the Committee were in agreement they then preceded to ask questions of officers and to debate and determine the applications.

**Questions for Officers**

- (21) Councillor Barradell asked whether it would be possible to vote on each reason for refusal separately in respect of each the applications. Councillor Gilbey sought clarification of how that would be undertaken. It was explained that the reasons could be voted on in that manner if Members wished to do so. However, following the discussion and debate the Committee decided to vote on each separate set of recommendations en-block.
- (22) Councillors Morris and Wares enquired regarding the methodology used by the District Valuer and it was confirmed that the assessment was carried out in accordance with best practice. A consistent approach taken by the District Valuer's Office being applied to all applications on which they were consulted.
- (23) Councillor C Theobald asked for confirmation that although at pre-application stage the scheme had sought to provide 10 affordable housing units on site that no affordable housing had been put forward in the current application. It was confirmed that was so. Councillor Theobald also enquired regarding treatment to the twitten adjoining the site and public access arrangements across the site.
- (24) Councillor Miller referred to references to the playing fields enquiring whether there was any inconsistency between the Planning Brief and the recently agreed Plan and it was confirmed that there was not.
- (25) Councillor Barradell referred to the comments received from Sport England raising objection to any reduction in area of the existing playfield field querying whether they were aware that there was currently no public access to that space. It was explained that Sport England's position was to oppose the loss of playing fields irrespective of access arrangements/their ownership.
- (26) Councillor Barradell sought clarification regarding loss of/further alteration to the listed buildings on site given the dilapidated condition of some of them and/or the fact that that their appearance had already been much altered over the years since they had first been built. The Planning Officer, Heritage and Design, Sanne Roberts advised, that the heritage statement provided by the applicants was lacking in information and that the significance of individual features/areas impacted by the scheme or the importance of strategic views and the level of impact on these individual features had not always been identified. Whilst sympathetic alterations to the main building would be supported the proposed external alterations to the rear elevation of Field House sought to introduce a regularity and similarity for which there was no historical precedent. Even though it had been altered the existing rear elevation revealed much about the development of the building and was significant in understanding the history of the building and should be preserved.
- (27) Councillor Morris sought clarification of the distinction between those buildings on site which were listed in their own right and those which were curtilage listed.
- (28) Councillor O'Quinn sought clarification of the proposed impact on traffic of the proposals. The Development and Transport Assessment Manager; Steven Shaw,



confirmed that three highway authorities had locus in the vicinity of the site and that some of the observations received referred to the anticipated impact of cross-boundary trips. It was considered that traffic issues arising could be addressed by appropriate s106 arrangements at such time as any permission was granted.

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

- (29) Councillor Barradell stated that whilst she supported the reasons for refusal put forward overall, being concerned about the massing, bulk and scale proposed in relation to some elements of the scheme, the care home and lack of any affordable housing, she was not, opposed to the loss of some of the listed buildings. They were in a very poor state of repair, having not been maintained for some time and having undergone significant alteration since they were first built and were not in her view of such merit that they should be retained. In the case of Field House she was of the view that the proposed alterations to the rear elevation were acceptable.
- (30) Councillor Littman stated that he supported the officer recommendations. Although some elements of the scheme could be made acceptable, there were numerous reasons for refusal, and the lack of any affordable housing and flagrant ignoring of both the Brief for the site and the recently adopted plan were very disappointing.
- (31) Councillor Mac Cafferty considered that the District Valuer's view in terms of viability should be accepted and that a divergent view by the applicant did not represent grounds for deferral. The District Valuer's assessment had been made independently using a consistent approved model, which would not suggest that the District Valuer's professional opinion was either erroneous or flawed. He was also concerned that the Planning Brief and adopted had plan had been disregarded, particularly in relation to provision of affordable housing with no cogent reasons for departure from these documents given. Councillors Inkpin-Leissner, Miller, Morris and Wares concurred in that view.
- (32) Councillor Wares stated that clearly approval did not hang on the two issues highlighted by the applicant's representative - a very large number of grounds for refusal had been cited, far more than the few that were usually the case. That suggested to him that the current applications fell very far short of anything which could be considered acceptable.
- (33) Councillor C Theobald considered that the lack of any affordable housing was not acceptable and agreed overall with the reasons for refusal.
- (34) Councillor Wealls stated that whilst he had concerns in respect of air quality and traffic flow it was his intention to abstain.
- (35) The Chair Councillor Cattell stated that she concurred with all that had been said, there were a number of issues which remained to be addressed and she would be voting in support of the officer's recommendations
- (36) A vote was taken and on a vote of 10 with 2 abstentions planning permission was refused in line with the recommendations set out in the officer report.

- 178.1 **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 set out in section 7 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

NB: References to the “City Plan” in the reasons for refusal to be changed to “Brighton & Hove City Plan. Part One.”

**MINOR APLICATIONS**

**B BH2015/03112, St Aubyns School 76 High Street Rottingdean Brighton**

Demolition of rectangular block and associated extensions to north of Field House (main school building), demolition of building to north-east of Field House and other associated structures.

- (1) The presentation and debate on this application were included in the presentation and debate on application BH2015/03108.
- (2) A vote was taken and on a vote of 10 to 1 with 1 abstention listed building consent was refused in line with the recommendations set out in the officer report.

- 178.3 **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 and resolves to **REFUSE** Listed Building Consent for the reasons set out in section 11.

NB: References to the “City Plan” in the reasons for refusal be changed to “Brighton & Hove City Plan, Part One.”

**C BH2015/03110, St Aubyns School 76 High Street Rottingdean Brighton**

Conversion and refurbishment works to Field House (main school building), terraced cottages and Rumneys building to provide 9no two bedroom and 1no three bedroom dwellings with associated works and alterations to boundary flint wall along Steyning Road and The Twitten (Amended/Additional Information).

- (1) The presentation and debate on this application were included in the presentation and debate on application BH2015/03108
- (2) A vote was taken and on a vote of 10 to 1 with 1 abstention listed building consent was refused in line with the recommendations set out in the officer report.

- 178.2 **RESOLVED** – That the Committee 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 **REFUSE** Listed Building Consent for the reasons set out in section 11.

NB: References to the “City Plan” in the reasons for refusal are to be changed to “Brighton & Hove City Plan, Part One”.

**D BH2015/04564, Mile Oak Inn, Mile Oak Road Portslade**

Erection of single storey side extension and erection of retail unit (A1) adjoining existing public house (A4)

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager, Major Applications, Paul Vidler, referred to further representations which had been received since publication of the report on behalf of the applicants and the licensees and gave a presentation by reference to photographs, site plans and elevational drawings. The application related to the Mile Oak Inn, a detached public house on the northwest side of Mile Oak Road at the junction with Oakdene Crescent. The pub had a car park in the forecourt and a substantial garden to the rear and north side. The site lay opposite a small parade of shops, formed of 4 units. The parade operated on a local scale serving the surrounding neighbourhood which was largely residential.
- (3) This application was a resubmission following an earlier refusal and again sought planning permission for the erection of a single storey retail unit (A1) within a side extension to the public house (A4). The retail unit would have a total floor area of 345sqm of which 250sqm would comprise the main retail floorspace. The extension also included a new kitchen for the public house and an ATM to the north side elevation. The extension to the public house was intended to improve the food offer available.
- (4) The main considerations in determination of this application related to the principle of the formation of the retail unit in terms of planning policy, the impact of the proposed development on the existing use in terms of the viability of the public house as a community facility, the design and scale of the external works, the impact of the development on the amenity of neighbouring occupiers, as well as the impact of the development in terms of traffic and transport and impact on the local infrastructure. Concern had been expressed by some residents regarding the impact of a new retail unit on the existing retail store on Mile Oak Road. Whilst the vitality of existing shopping areas was a material planning consideration, the competition between individual stores was not a matter that could be taken into account. It was considered that the proposed retail unit and associated extension to the public house were considered acceptable in design terms, the previous reasons for refusal having been overcome; and subject to conditions would not result in significant harm to the appearance of the site, amenities of adjacent occupiers or to parking capacity or highway safety, in accordance with development plan policies; Mindful to Grant planning permission was therefore recommended.

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

- (5) Mr Bonwick spoke on behalf of Mrs Andrews a neighbouring objector. He detailed her objections to the proposed scheme. There were grave concerns regarding the impact of additional parking and servicing associated with the proposed new use. Existing parking associated with the public house which would be lost due to the development, would result in increased overspill parking in an area which was already congested. The access arrangements for deliveries would exacerbate these problems and could compromise road safety. This application was not significantly different from the

previously refused application and was not sustainable. There were also several existing local general stores which could be compromised by the proposals. Another food retail outlet was not needed.

- (6) The Democratic Services Officer read out the contents of a letter received from Councillor Atkinson who was unable to attend the meeting to speak in person. Councillor Atkinson requested that a site visit be undertaken prior to determination of the application. Notwithstanding that there was both support and opposition to the application locally he had concerns that the previous reasons for refusal had not been overcome and that the proposed development was not sustainable.
- (7) Mr Mullin spoke on behalf of the applicants in support of their scheme. He explained that following the previous refusal the applicant had worked very hard to address the reasons for that refusal and to seek to engage with neighbours in order to come up with a scheme which fully respected their amenity. Independent surveys had been undertaken to seek to ensure pedestrian safety and to respect the local road traffic network, with some improvements being provided by the s106 contribution. Besides the objections there had also been a lot of local support for the scheme which would provide local jobs and help to secure the future of the Mile Oak Inn which was a local community asset.

#### **Questions for Officers**

- (8) Councillor Morris sought clarification of regarding the tactile paving proposed and it was explained that this provided an indented surface which reduced the risk to pedestrians including those who had mobility problems or were partially sighted of trip hazards.
- (9) Councillor Mac Cafferty sought clarification regarding the degree of separation between the existing established public house use and the proposed new retail element. He considered that the retention of public houses as community hubs should be supported and would be concerned if there was a danger that this established use could become subsumed by the new retail unit. The applicant's representative explained that the existing licensee of the public house was of very long standing and the Co-operative were intending to take on a long lease of the retail unit confirming that the two uses were intended to operate independently. The existing car park and garden attached to the public house were under-used and money released from their sale could be used to improve the existing kitchen and food offer available which would help to secure the business' longer term financial viability.
- (10) The Legal Adviser to the Committee, Hilary Woodward confirmed that although the public house was not currently registered as an asset of community value under the Localism Act 2011, it was possible for that to be applied for. Councillor Mac Cafferty enquired regarding means by which two separate distinct uses could be secured, for example by restricting the size of the retail unit. The applicant's agent confirmed that the retail use was not intended to exceed 345sqm and officers explained that this could form a condition of any planning permission granted.
- (11) Councillor Littman enquired regarding proposals that deliveries would be made from the north. Councillor Gilbey also enquired regarding these arrangements; both

Councillors were concerned that access to/ egress from the site should be effected as safely as possible whilst ensuring as little disruption to and congestion of the local road network as possible. The Development and Transport Assessment Manager, Steven Shaw, referred to the arrangements which had been agreed with the applicant and the rationale for them.

- (12) Councillor Gilbey also enquired regarding deliveries to the store and arrangements that could be made to ensure that they were at such times that they did not disrupt traffic or disturb neighbouring residents. It was confirmed that only one delivery per day was envisaged and that this could be dealt with by condition.
- (13) Councillor Morris enquired regarding the arrangements to be put into place for deliveries to/from the store and the collection/storage of waste and it was confirmed that these related to waste generated by the store itself, rather than customer waste. Councillor Morris also enquired regarding arrangements to be put into place for storage and removal of food waste and was pleased to note that the applicant's agent had indicated that it was intended that waste food which was fit for consumption would be made available to food banks.
- (14) Councillor Wealls also expressed concern regarding storage of such waste which could result in unneighbourly odours, requesting that a condition be added to ensure that this was stored under cover in order to minimise any such nuisance.

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

- (15) Councillor Mac Cafferty stressed that he was concerned that there was separation of the two uses, whilst it was understood that the Committees' future decision making should not be fettered he considered that it was important to retain the public house use separately in so far as it was practicable to do so. The Legal Adviser to the Committee suggested that this could be effected by restricting the area of retail floor space, if Members were minded to do so. Councillor Inkipin-Leissner stated that he shared Councillor Mac Cafferty's concerns and was pleased that these could be taken on board.
- (16) Councillor Barradell noted what had been said and was in agreement with the approach proposed, but had some concerns that could impact on the viability of the retail unit. It was confirmed that was not a planning consideration and that the proposal would constrain but would not result in a reduction in its floorspace which would remain as requested by the planning application.
- (17) Councillor Wares referred to the yellow line markings proposed to the carriageway the west of Mile Oak Road enquiring whether it would be possible to provide bollards as these would serve to reinforce any parking restrictions and would protect the grass verges from damage. It was confirmed that amendments could be made to proposed Condition 15 if the Committee were minded to do so. The Development and Transport Assessment Manager, explained that the traffic/transport measures proposed were intended to not only protect against verge parking but also not to impede the free flow of traffic.

- (18) Councillor Miller enquired regarding potential impact of the new retail unit on the local convenience store enquiring to what extent this was a consideration. It was confirmed that competition between individual stores was not a matter which could be taken account of.
- (19) Councillor Gilbey noted that existing on site car parking would be lost enquiring whether/what account had taken of the impact of overspill parking in the neighbouring vicinity. It was explained that the previous application had been refused in part owing to a lack of detail within the Transport Statement in terms of parking surveys and the cumulative parking and highways impact of both the new retail unit and the existing public house. The new Transport Statement which had been submitted included independent parking surveys and an assessment of the cumulative impact of both these uses. It was not considered that any increased demand would be significant. In terms of deliveries there would be up to one main delivery per day, of up to one hour, with additional minor deliveries of goods such as bread, milk and newspapers. All deliveries would be undertaken at the front of the store. Subject to the recommended s106 contribution and recommended conditions it was not considered that the proposal would result in significant harm to parking demand and highway safety in the wider area.
- (20) Councillor Gilbey also enquired regarding the time at which deliveries would commence bearing in mind the impact that noise could have on the immediately neighbouring dwellings.
- (21) Councillor C Theobald stated that it appeared to her that both the previous reasons for refusal and concerns raised by the Committee had been addressed, therefore she supported the recommendations set out in the report.
- (22) A vote was taken and Members voted unanimously that minded to grant planning permission be given subject to a S 106 agreement, the conditions and informatives set out in section 11 of the report and the additional conditions agreed by the Committee and set out below.

178.4 **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 set out in section 7 and resolves that it is **MINDED TO GRANT** planning permission subject to a S 106 agreement and the Conditions and Informatives set out in section 11 and to the amendments/additional conditions set out below:

**Condition (5):** No servicing, including deliveries to and collections from the site shall occur to the retail unit and public house, except between the hours of 07:00 and 18:00 Mondays to Sundays (including Bank or Public Holidays);

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan;

**Condition (15)** The amended vehicle crossover on Mile Oak Road and proposed dropped kerbs and tactile paving at both the northern and southern site access points on Mile Oak Road as detailed on drawing no 103 rev F, received on 17 December 2015, together with additional bollards to the grass verge between the two site access points on Mile Oak Road in accordance with details which have been submitted and

approved in writing by the Local Planning Authority, shall be constructed prior to first occupation of the retail unit hereby permitted;.

**Reason:** In the interests of highway safety and to comply with polices TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan, Part One;

**Condition (16):** Notwithstanding the drawings hereby approved, the retail unit shall not be occupied until details of the refuse and recycling storage facilities including roofing to the storage area and written details of the type of waste to be stored and the operation and management of the storage area have been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use and operated and managed in accordance with the approved details.

**Reason:** To ensure provision of satisfactory facilities for storage of refuse and recycling to comply with policy QD27 of the Brighton & Hove Local Plan;

**Additional Condition:** The development hereby permitted shall be laid out as two separate units at all times with the A1 retail space to be provided within the approved extension only in accordance with the layout as shown on drawing no. 7359/105G. The A1 retail floorspace shall not exceed 345sqm gross floor area.

**Reason:** The proposal was assessed on the basis of the amount of retail floorspace proposed to ensure the retention of two planning units on the site and to comply with policy CP4 of the Brighton & Hove City Plan Part One.

**E BH2015-04574 14 Portland Villas Hove**

Demolition of bungalow and erection of new detached house (C3) and outbuilding to rear garden.

- (1) It was noted that the application had been withdrawn from the Agenda at the applicant's request. The application would therefore come back before the Committee at a later date as appropriate.

178.5 **RESOLVED** – It be noted that the above application had been withdrawn from the Agenda at the applicant's request.

**F BH2015/04646 8 Roedean Terrace, Brighton**

Planning permission sought for the erection of a front extension incorporating alterations to the fenestration including the installation of Juliet balconies. In addition permission sought for the conversion of the existing garage into ancillary accommodation with external alterations and rear extension.

- (1) The Planning Manager, Major Applications, Paul Vidler gave a presentation by reference to photographs of the existing building plans, and elevational drawings showing the existing and proposed development. The application related to a two storey terraced property situated on the northern side of Roedean Terrace. The existing property featured a detached garage within the front garden area, similar to those associated with a number of properties within the terrace. The property also had a half width extension of a similar character to that of neighbouring properties.
- (2) The main considerations in determining this application related to the visual impact of the proposed development upon the character and appearance of the host property and wider street scene. Also, any impact to the amenities of neighbouring properties. It

was considered that the proposed extensions would not harm the appearance of the property, the wider area or the amenities of adjacent occupiers and accorded with development plan policies, approval as therefore recommended.

**Questions for Officers**

- (3) Councillor Miller enquired sought confirmation that the ancillary building would be used subsidiary to the main building and could not operate as a separate self-contained unit. It was confirmed that was so and that any change to that would require further planning permission to be sought.
- (4) Councillor Wealls expressed concern that the proposed extension would obscure an existing side facing window to the neighbouring property. It was explained, however that the window to which Councillor Wealls was referring was obscurely glazed and set at high level facing the porch of that building which was also served by two large windows set adjacent to the window to which Councillor Wealls was referring.
- (5) In answer to questions by Councillor C Theobald it was confirmed that following the completion of the proposed development there would be sufficient space for a vehicle to continue to be parked within the curtilage of the property.
- (6) Members then moved directly to the vote. A vote was taken and on a vote of 11 to 1 planning permission was granted in line with the recommendations set out in the officer report.

178.6 **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 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and the amendment to Condition 2 set out below:

**Condition 2:** To be amended to read:

The development hereby permitted shall be carried out in accordance with the approved drawings listed below;

**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location plan	-	-	23.12.2015
Block Plan	-	-	08.04.2016
Existing ground floor plan	001	-	23.12.2015
Proposed ground floor plan	101	A	23.12.2015
Existing first floor plan and second floor plan & section	002	A	08.04.2016
Proposed first floor plan, second	102	D	10.03.2016



floor plan and section			
Existing and proposed front elevations	003	E	08.04.2016
Proposed garage plan and elevations	103	D	10.03.2016
Existing garage plan and elevations	004	-	23.12.2015
Existing and proposed section A-A	005	B	10.03.2016

**G BH2015-03252 24 Hill Brow Hove**

Enlargement of existing rear patio with glass balustrading, increased ridge height, rear dormers, front rooflights and alterations to fenestration.

- (1) The Planning Manager, Major Applications, Paul Vidler, gave a presentation by reference to photographs of the existing house including those taken from the rear to showing the relationship with neighbouring adjoining dwellings. The current scheme represented amendments to the extant approved scheme and the differences between the two were illustrated by elevational drawings and floor plans.
- (2) The proposed development was considered to be appropriately designed and detailed in relation to the existing house and its surroundings, and was not considered detrimental to visual amenity or the character and appearance of the locality, or that it would have a significant adverse impact on the residential amenity of neighbouring occupiers. Approval was therefore recommended.

**Questions for Officers**

- (3) Councillor Inkpin-Leissner enquired regarding the location of the proposed balconies. It was explained that these had already received approval as part of the earlier application and remained unchanged. It was clarified that there the neighbouring properties at the rear were located at a considerable distance from the rear of the application site.
- (4) Councillor Miller sought clarification that a balcony was also proposed to the front of the property and it was proposed that there was.
- (5) Councillor Barradell asked to view the first floor plans in relation to the proposed scheme.
- (6) Members then moved directly to the vote. A vote was taken and Members voted unanimously that planning permission be granted in line with the recommendations set out in the officer report.

178.7 **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 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

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

179.1 There were none.

**180 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

187.1 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.]

**182 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**183 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**184 APPEAL DECISIONS**

190.1 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 5.45pm

Signed

Chair

Dated this

day of