

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 9 JUNE 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Carden (Opposition Spokesperson), Alford, Cobb, Davey, Fallon-Khan, Hamilton, Kennedy, McCaffery, Rufus and Smart

**Co-opted Members** Philip Andrews, Conservation Advisory Group (CAG)

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Steve Reeves (Principal Transport Planner), Hilary Woodward (Senior Lawyer), Nicola Hurley (Area Planning Manager (West)), Claire Burnett (Area Planning Manager (East)), Kathryn Boggiano (Senior Planning Officer) and Jane Clarke (Senior Democratic Services Officer)

**PART ONE**

**17. PROCEDURAL BUSINESS**

**17a Declarations of Substitutes**

- 17.1 Councillor Rufus declared that he was substituting for Councillor Steedman.
- 17.2 Councillor Fallon-Khan declared that he was substituting for Councillor Simson.

**17b Declarations of Interest**

- 17.3 Councillor Alford declared a personal and prejudicial interest in application BH2010/00931, 8 Hazel Close as he had formally objected to the application. He did not take part in the discussion or voting and left the room for the duration of the application.
- 17.4 Councillor Cobb declared an interest in application BH2010/00559, Dolphin House, Manchester Street as she had been closely involved in licensing issues relating to the objectors residences. She believed that she may have predetermined the application because of this and therefore did not take part in the discussion or voting and left the room for the duration of the application.
- 17.5 Councillor Mrs Theobald declared that she had also been involved in the same licensing issues connected to the objectors on application BH2010/00559, Dolphin House, Manchester Street but did not feel she had predetermined the application. She remained in the meeting and took part in the discussion and voting thereon.

- 17.6 Councillor Kennedy declared an interest in application BH2010/00083, Land to rear of 67-81 Princes Road, as she had expressed a definite opinion and had predetermined the application. She did not take part in the discussion or voting and left the room for the duration of the application.
- 17.7 Councillor Hyde, The Chairman declared a personal and prejudicial interest in application BH2010/00083, Land to the rear of 67-81 Princes Road, as the applicant had carried out work for a member of her family she did not take part in the discussion or voting and left the room for the duration of the application. Councillor C Theobald, the Deputy Chairman took the Chair during consideration of this application.
- 17.8 Councillor McCaffery declared an interest in application BH2010/00944, Community Base, 113 Queens Road, as she had already expressed a view in a letter and so had predetermined the application. She did not take part in the discussion or voting and left the room for the duration of the application.

### **17c Exclusion of the Press and Public**

- 17.9 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.
- 17.10 **RESOLVED** - That the public be not excluded from the meeting during consideration of any item appearing on the agenda.

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

- 18.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 19 May 2010 as a correct record of the meeting with the following amendments:

“Councillor Carden declared a personal interest on application BH2010/00669, 75 Crest Way, North Portslade in knowing an objector to the application but as he did not consider that this amounted to a prejudicial interest he took part in the discussion and voting thereon.”

“Councillor Smart believed there were problems with aspects of the site including overlooking of two of the units and child safety, and was particularly concerned about the shared space on what was already a small road with no distinction between pedestrian pathways and the roadway.”

### **19. CHAIRMAN'S COMMUNICATIONS**

- 19.1 The Chairman welcomed Councillor Trevor Alford to the Committee and believed that he would make a valuable contribution to the work of the committee. The Chairman also welcomed Mr Philip Andrews to the Committee as the new Chairman of the Conservation Advisory Group.

**20. PETITIONS**

20.1 There were none.

**21. PUBLIC QUESTIONS**

21.1 There were none.

**22. DEPUTATIONS**

22.1 There were none.

**23. WRITTEN QUESTIONS FROM COUNCILLORS**

23.1 There were none.

**24. LETTERS FROM COUNCILLORS**

24.1 There were none.

**25. NOTICES OF MOTION REFERRED FROM COUNCIL**

25.1 There were none.

**26. APPEAL DECISIONS**

26.1 There were none.

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

27.1 The Committee noted the planning appeals which had been lodged as set out in the agenda.

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

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

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

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

<b>Application:</b>	<b>Site visit requested by:</b>
BH2010/00060 & 00061, St Augustine's Church, Stanford Avenue, Brighton	Deputy Development Control Manager
BH2009/01355, Wolseley Build Centre, 19 Bristol	Councillor Mrs Theobald

Gardens, Brighton	
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**30. REQUEST TO DISCHARGE UNILATERAL UNDERTAKING IN ASSOCIATION WITH PLANNING PERMISSION REFERENCE BH2007/00862, 73 – 75 TRAFALGAR STREET**

- 30.1 The Solicitor to the Committee introduced the report and stated that a financial contribution to amend a traffic regulation order had been paid to the Council under the terms a S106 Unilateral undertaking dated 20 February 2008 relating to the above planning application. However, unfortunately the development was not built in accordance with the terms of the planning permission and the development was therefore unauthorised. A retrospective application seeking approval of the development as built was subsequently submitted and approved, subject to a further S106. Effectively the contribution already paid was then transferred to the new S106. The original S106 was now obsolete and the report recommended that the same can be formally discharged.
- 30.2 Councillor Davey asked if the new application had already been granted, and whether the new S106 conditions had been met and the Solicitor agreed that they had. The money had been paid as part of the previous scheme and would be transferred over as part of this new application.
- 30.3 **RESOLVED** – That the Committee authorises officers to discharge the Unilateral Undertaking dated 20 February 2008 in association with planning permission BH2007/00862.

**31. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 9 JUNE 2010**

**(i) TREES**

- 31.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to grant consent to fell the tree which is the subject of this application subject to the conditions set out in the report.

Application BH2010/00887, 76 Crescent Drive North, Woodingdean.

**(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM POLICY**

**A. Application BH2010/00559, Dolphin House, Manchester Street, Brighton – Change of use to language school (D1) and/or offices (B1).**

- (1) The Area Planning Manager (East), Ms Burnett introduced the application and demonstrated plans and elevational drawings. She stated that the application was for a change of use to a language school, and/or offices. Flexible use of planning permissions

were allowed and at times desirable. The property had been vacant since May 2008. Representations had been received from residents in Dolphin Mews objecting to the impact on residential amenity and loss of office space in the city the application would create.

The application had been assessed on policy EM5 and the premises had been actively marketed with a flexibility of tenure and space sufficiently offered, but had failed to generate interest. Officers therefore felt that a change of use was appropriate. The residents objections around loss of amenity related in large part to the proposed café within the site. The applicants had stated that this would be used as a common room rather than a café however, and any problems with noise or overlooking would be resolved by conditions for obscured glazing and restricted opening to the rear windows. The site would have a management plan to ensure students did not congregate in the area and the opening hours of the language school would be conditioned. Transport provision and parking on site was considered adequate.

- (2) Mr Hainsworth, a resident of Dolphin Mews, attended the meeting to speak against the application and stated that Dolphin Mews was only 3.9 metres away from the application site and he was concerned that this application would create a noise nuisance for the residents. The concerns of the residents had been detailed in a letter to the Planning Authority and Mr Hainsworth welcomed the conditions proposed in the report. He asked the committee to include use of a sound limiter for any recorded or amplified sound at the premises and to exclude the site from applying for an alcohol licence. He also felt that students congregating outside to smoke would also be a problem for the residents.
- (3) Councillor Smart asked if the residents had had problems with smokers from the premises in the past and Mr Hainsworth said he had not.
- (4) The Chairman noted that Licensing and Planning were separate regimes and licensing concerns could only be addressed by the Licensing Committee.
- (5) Mr Rainier, agent for the applicant attended the meeting to speak in favour of the application. He stated that there were many merits to the scheme including the proposed mixed use. The area was not tranquil by nature, but was in the city centre and surrounded by bars. Improvements had been made to the building in order to sell it, but the applicants had been unsuccessful. The language school was a use supported by the policies of the Council and the applicants had addressed many of the objections raised by officers and objectors. Obscured glazing had been agreed for the ground and first floors with restricted openings. A management plan to prevent congregation of students had been agreed and there was no access to the building from the rear of the premises. The commons area was only supplied with vending machines and the students would only be present for a period of eight weeks during their course and so the provision of extra cycle parking would not be necessary as it was unlikely they would have use of a bicycle during that time.
- (6) Councillor Kennedy asked for details about the access and egress between Dolphin House and Dolphin Mews. Mr Rainier replied that there were fire doors in the back of the building, but these would not be used except in an emergency. All access and egress for staff and students would be via the front entrance and the rear of the property was secured with a locked gate to ensure students did not smoke in this area.

- (7) Councillor Alford asked whether all the windows were to be obscured. Mr Rainier replied that the applicant had made representations against this condition as they believed it was unnecessary to have obscured glazing on all floors. There was no direct overlooking past the first floor and he felt this was an onerous and unacceptable condition. The Deputy Development Control Manager, Mr Vidler, stated that any floors with a direct window to window relationship with Dolphin Mews would need to be obscured. He felt this applied to the ground, first and second floors.
- (8) Councillor Mrs Theobald asked if the windows were restricted openings and Mr Rainier confirmed that it was.
- (9) Councillor Smart asked if this language school would have a similar number of students to the one on Portland Place and Mr Rainier replied it would have around 200 students at peak times.

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

- (10) Councillor Kennedy stated that she wanted to see the building back in use for employment but this needed to be balanced with residential amenity. She believed the conditions proposed by Mr Hainsworth were reasonable and acceptable and asked if a condition could be included for no access from Dolphin Mews for students or members of staff. She noted that the courtyard in Dolphin Mews was enjoyed by residents and did not want to see this amenity disturbed. Mr Vidler suggested that these requests go into the management plan for the site, which included general measures to protect residential amenity, to ensure adequate control over the issues.
- (11) Councillor Alford asked for clarification on whether all the floors would be obscure glazed as the applicant had represented against this. The Chairman agreed and felt that the building would need to be obscured to at least the second floor as there was a close window to window relationship here with Dolphin Mews.
- (12) Councillor Fallon-Khan asked about the opening times of the site and asked if there had been restrictions previously when the building was used as office space. Ms Burnett replied that she was not aware of any previous restrictions. There would have been around 73 employees under the previous usage. Mr Vidler added that there was no proposed restriction on hours for the office use in this application, only for the language school use.
- (13) Councillor Mrs Theobald agreed that it was good to bring the building back into use, but was pleased there were opening restrictions. She felt that the residents amenity did need to be protected and asked if an informative could be added to state that an alcohol licence should not be applied for on the site.
- (14) Councillor Smart asked if the management plan gave the applicants authority to prevent students from smoking on the street and was informed that it did not. Mr Vidler added that the management plan was about educating users of the facility about what they should and should not do to protect the amenity of nearby residents.
- (15) Councillor Kennedy noted that the control of smokers outside City College was down to a management plan and she hoped this one would be robust enough.

(16) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives set out in the report.

31.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the receipt of a basement layout plan, and the conditions and informatives as set out in the report with the additional amendments as follows:

Amend Condition 3 to read:

Prior to the commencement of the language school (D1) use a site management plan is to be submitted to and approved in writing by the Local Planning Authority. The management plan should include details for dealing with the arrival and departure of students for classes, activities within common areas, smoking areas, no access (except in emergencies) for students and staff to the rear courtyard area adjoining Dolphin Mews, sound limiters for audio equipment, parking areas and general measures to ensure that the amenity of the neighbouring occupiers is not compromised. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

Amend Condition 4 to read:

Prior to the commencement of the language school (D1) use, the ground floor, first floor and second floor windows on the rear (western) elevation shall be obscurely glazed and permanently retained thereafter until such time that the use reverts back to offices (B1), unless otherwise agreed in writing.

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.

Insert additional Condition 10:

Prior to the commencement of the language school (D1) use details of the window opening restrictions are to be 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, unless otherwise agreed in writing.

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

Insert additional Condition 11:

Upon commencement of any proportion of D1 use the lower ground floor area identified on drawing no. ECDH. 04i shall be used for vehicular and cycle access and egress, parking, and for emergency purposes only.

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

**(iii) MINOR APPLICATIONS**

**B. Application BH2010/00944, Community Base, 113 Queens Road, Brighton – Display of externally illuminated mesh type banner to north elevation.**

- (1) Ms Burnett presented the application to the committee and demonstrated views of the application site. She stated that the application was for an external illuminated mesh banner located on the eastern side of Queens Road and adjacent to the North Laine and West Hill Conservation Areas. A similar application was refused last year and a current appeal on that decision was undetermined. An application had been approved in 2004 against officer recommendation. The key issue was the impact on the surrounding area and that the materials proposed were not sympathetic to the conservation areas.
- (2) The applicant, Mr Chalmers, attended the meeting to speak in favour of the application and stated that the application was for a small advert hording that would cover the side of an unattractive building. There was support in the community for this use and no objections had been received. There had been 24 letters of support and the application was outside the conservation area. He demonstrated pictures of advertising sited within the conservation areas and felt that his application would be no different. The owners of the building would ensure that no objectionable or inappropriate advertising would be agreed for the hording. He did not think the application contributed to road safety problems and added that the income generated was enormously important for helping to finance the charities situated within the building.
- (3) Councillor Rufus asked if there had been any objections to the application and Mr Chalmers replied he was not aware of any.
- (4) Councillor Cobb raised concern that some members of the committee needed to declare a personal interest in the item as they had the last time the application had been considered. Councillor Kennedy replied that Councillor Steedman had declared a prejudicial interest at the last committee where this site had been under consideration but was not present today and had been substituted by Councillor Rufus.
- (5) Councillor Mrs Theobald asked why the applicant was applying for a consent for four years and eleven months, and not five years. Mr Chalmers replied that he did not think it was possible to apply for a five year consent, but would do so if he could.
- (6) Councillor Fallon-Khan asked if there had been any contact between Mr Chalmers and Council Officers after the previous refusals to discuss the application. Mr Chalmers had reduced the size of the application to address concerns, and asked for hording to be reconsidered as it helped to financially support community groups.
- (7) Councillor Fallon-Khan asked if Mr Chalmers had enquired as to what size would be appropriate for the site and he replied that he had not had specific discussions in this regard.
- (8) Mr Vidler reminded the Committee that when deciding this application they needed to consider it in terms of impact on local amenity and public safety grounds. The content of the poster could not be controlled. He had no information on the other signs Mr Chalmers had referred to, but believed the street lamp banners in the area were much smaller.



- (9) Councillor Smart asked if there was any point in the applicant offering a policy on the content of the hording if it could not be controlled by the Planning Authority and Mr Vidler stated that this was not a material consideration for the Committee.

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

- (10) Councillor Rufus stated that he felt frustrated that the planning process was designed to protect the public interest but was blocking this application, which was in the public interest to approve. There had been no objections from the public despite a high profile media case and he felt that the public either did not care about the application or did not mind. He felt that the safety and visual aspects were not an issue as drivers were regularly bombarded with visual stimulus and this would make no difference. The building itself was very unattractive and was sited in an unattractive area of Brighton and he did not believe the application would be detrimental to the visual impact of the area. He felt the officers were working in a cloistered environment and determining the application without reference to the clear public interest and public support this application enjoyed.
- (11) Mr Vidler reminded members that objections or lack of objections was not a reason to grant or refuse planning permission. All applications needed to be looked at objectively and according to policy and guidance.
- (12) Councillor Alford felt the scale of the application was a major issue and noted that there had been only a very slight reduction in size since the last application. There had been previous suggestions that small scale banners might be acceptable here but he did not feel the application as it stood was acceptable.
- (13) Councillor Mrs Theobald stated that she did not have objections to advertising signs on this site but felt that this application was very large and illuminated. She was also concerned about traffic safety at the nearby junction to the building.
- (14) Councillor Fallon-Khan stated that he had no particular issue in principle to this application but he was also troubled by the size and scale. He felt the current application was not significantly different to the one that had been previously refused and did not feel it was appropriate to grant this application. The Chairman concurred with this view.
- (15) Councillor Kennedy asked if highways were aware of any public safety issues when the building did have an advert on it. The Principal Transport Manager, Mr Reeves replied that the building was situated next to a busy junction with a number of accidents occurring at it, but not higher than was expected at a junction of this nature. There were no statistics to support refusal on highways safety grounds.
- (16) Councillor Cobb felt the application did pose a public safety threat regardless of whether statistics supported this. She believed that when the colours on an advert were bright this would constitute a distraction for drivers and felt she needed to stand by the previous decision of the Committee.
- (17) Councillor Davey stated that he had seen very distracting advertising signs already in the area and in the conservation areas. He felt the council would be inconsistent to turn this application down especially as there were council adverts already displayed close to this one.

(18) Councillor Smart stated that the committee should look at this application on its merits and not compare it with other advertising hordings in the area. He also felt the application was too large and stated he would stand by the committee's previous decision.

(19) A vote was taken and on a vote of 7 for and 4 against advertisement consent was refused for the reasons and informatives 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 paragraph 8 of the report and resolves to refuse advertisement consent for the reason and informative set out in the report.

**C. Application BH2009/01355, Wolseley Build Centre, 19 Bristol Gardens, Brighton –** Demolition of existing building and construction of 9 new residential dwelling houses. Provision of on site parking, cycle store and refuse facilities.

(1) This application was deferred for a site visit.

**D. Application BH2010/00083, Land to rear of 67-81 Princes Road, Brighton –** Construction of 6 no. three-storey, two bedroom terraced houses with pitched roofs and solar panels. Provision of private and communal gardens, waste and refuse facilities, and erection of a street level lift gatehouse with cycle store.

[Note]: The Chairman Councillor Lynda Hyde declared a personal and prejudicial interest in this item and did not take part in the debate or voting thereon, and left the room during consideration of the application. The Deputy Chairman, Councillor Mrs Theobald took the chair for this application.

(1) The Senior Planning Officer, Ms Boggiano introduced the application and demonstrated views and elevational drawings. She noted that there was a railway line to the north and a waste transfer site nearby. The application was in the Round Hill Conservation Area and there was a previous refusal for eight dwellings on the site, which had been dismissed at appeal on the grounds of visual impact on the conservation area, lack of parking provision and a poor standard of accommodation for future users of the site. A new application in 2009 had reduced the number of dwellings to four, lowered the height of the buildings, included additional parking and an updated parking survey. This had been approved, but the applicants were now seeking to change the application to six dwellings. The overall footprint of the buildings would remain the same and the officers were recommending approval. She added there had been 164 letters of objection to the scheme.

(2) Ms Bell spoke against the application on behalf of local residents and felt that the site was overdeveloped and would have issues of overlooking. The gatehouse was out-of-character with existing properties and the window to window distances would at times be only 6 meters apart. There would be a loss of light from the scheme and the gatehouse would result in a bottle neck with limited access to the site. The nearby waste transfer site would have a serious detrimental effect on the amenity of the new residents and Ms Bell stated that at times the current residents were unable to open their windows or use their gardens as the unpleasant smells from the site were so strong. The green space was an important buffer for current residents and parking issues on the road were

a major concern as there was no extra capacity. She added that a new Car Parking Zone was being considered for the area adjacent to this site, and this would have a severe impact on parking via displacement vehicles.

- (3) Councillor Smart asked how the application would create a loss of light and Ms Bell replied that as the gardens of the current premises were north facing they only received late evening sun. The new scheme would block out this light.
- (4) Councillor Davey asked about the distances between properties and Ms Bell referred to an extension on the back of one of the existing properties which would only be around 6 meters away from the new proposed dwellings.
- (5) The agent to the applicant, Mr Coomber, addressed the committee and stated that there had been only modest changes to the approved application. The footprint was the same as previously and whilst the dwellings were slightly higher the site levels were considerably lower than existing houses on the road. There had been considerable input from consultees to ensure a high quality scheme with good landscaping on site. The window to window relationships would be greater than 6 meters and the topography of the site meant that there would be very limited views onto neighbouring properties. The landscaping would be detailed to mitigate any problems that might be perceived. He added that the application conformed to the existing policies of the Council.
- (6) Councillor Davey asked if a noise assessment had been performed on site and Mr Coomber replied that it had.
- (7) Councillor Davey asked why this did not deal with issues of noise emanating from the recycling facility. Mr Coomber replied that the assessment dealt with the levels of background noise on the site and these were deemed acceptable. He added that if noise was an ongoing problem for current residents then these properties would constitute a noise barrier to protect them from some of this disturbance.
- (8) Councillor Davey asked if this was conducive to a pleasant and high quality scheme for new residents and Mr Coomber replied that he believed the site would be a quiet and peaceful place to live with high sustainability credentials and lots of green space of residents.
- (9) Councillor Mrs Theobald asked how the site would be accessed for construction and Mr Coomber replied that the contractors would abide by the considerate contractors scheme. Many of the materials would need to be craned in as the TPO tree was a constraint on site.

#### **Questions/Matters on Which Clarification was Sought**

- (10) Councillor Smart asked if the hedge would be planted on the railway embankment. Ms Boggiano stated that it would be planted in the site boundary.
- (11) Councillor Alford raised concern over the dormer windows, which he felt had potential for creating problems with overlooking. Ms Boggiano replied that the dormers would only have very oblique views.

- (12) Councillor Davey noted that the previous appeal had been dismissed on grounds of unacceptable travel demands that would be created by the scheme. He asked what had been done to rectify this and noted that a Controlled Parking Zone was going to be introduced in an adjacent area. Ms Boggiano stated that there had been no up-to-date parking survey conducted at the previous appeal in 2007, and this was why the application had been refused.
- (13) Mr Reeves added that an additional car parking survey had been conducted in 2008/09 which produced reasonable evidence that there was sufficient evening capacity on the road for additional cars generated by the development. He recognised that a Controlled Parking Zone had been proposed for an adjacent area, but this was not a material consideration until it was approved, and he did not believe it would result in an unacceptable impact overall on the area.
- (14) Councillor Davey raised concerns over the standard of accommodation for new residents and Ms Boggiano replied that a noise assessment had been conducted and noise levels were at the limit of British Safety Standard levels when the windows were open, but this problem could be overcome by including ventilation systems to avoid the need to open the windows.
- (15) Councillor Davey asked how this problem would be overcome if residents were using their gardens. Ms Boggiano replied that as the gardens were at a lower level noise problems would be less of an issue. The problem mainly occurred in the bedrooms at night and mitigation measures would need to be implemented.
- (16) Councillor Cobb asked how accessible were bus stops in the area, how the rubbish was to be collected from the site, how far the gatehouse was from the dwellings, the width of the entrance to the gatehouse and how residents accessed this. Mr Reeves replied that a S106 contribution would go towards dropped curbs and tactile paving in the area, and there was a possibility of improving on-street cycle parking facilities. There were no bus stops in the vicinity of the site and that needed up-grading or improving. Ms Boggiano replied that the refuse would be stored at pavement level and residents would be required to transfer their waste to the upper level. The further dwelling from the gatehouse was around 48 metres away. Councillor Cobb asked what would happen if the residents required assisted removal of their rubbish. The Solicitor replied it was down to individual occupiers to assess their own capabilities and determine whether the property was right for their needs.
- (17) Councillor McCaffery asked if there was any vehicular access to the house and Ms Boggiano replied there was not.
- (18) Councillor McCaffery raised concerns over fire safety and emergency service issues. She felt the stairs were very long if the lift was out of order. Ms Boggiano replied that the fire service had been consulted. A sprinkler system was required, which would be dealt with at Building Regulations stage and the emergency services would access the site on foot if there was an emergency.
- (19) Councillor McCaffery asked why the applicant now wanted to increase the number of dwellings to six and was informed that this was due to the financial viability of the site. The Solicitor confirmed that viability is capable of being a material planning consideration.

- (20) Councillor McCaffery asked if all of the comments required had been received from Network Rail as she felt there could be problems with this. Ms Boggiano replied that she would check the planning file for their comments but added they were not consulted directly regarding the landscaping on site.
- (21) Councillor Rufus asked if the proposed ventilation systems created any additional noise on site. Ms Boggiano replied that there were more passive systems available and Environmental Health were satisfied that this could be addressed appropriately.
- (22) Mr Andrews, CAG asked what was the distance from the dormers on the front elevation to Princes Road and Ms Boggiano replied it was around 19 meters.
- (23) Mr Andrews asked if there was a rear fence to prevent overlooking from the dormers and Ms Boggiano replied that there was an existing fence and would be extensive landscaping on site to prevent overlooking and any views would be oblique.
- (24) Mr Andrews asked what was the distance from the windows to the rear garden fence along the Princes Road properties. Ms Boggiano replied it was around 12 meters, with the shortest distance around 6 meters.
- (25) Mr Andrews asked if there had been issues of overlooking raised when the previous scheme had been approved. Ms Boggiano confirmed this and added that the Inspector had fully considered this during the appeal and did not feel there would be overlooking from the dormers. The Inspector felt that there would be a greater issue from overlooking from the existing Princes Road properties onto the new site.

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

- (26) Councillor Davey stated that he had concerns on the previous application and those concerns remained. The waste transfer site was a significant source of noise and he was concerned that the new dwellings would be acting as a noise buffer for other houses on the street as this did not indicate a high quality scheme. He felt the increase in dwelling numbers would create a cramped feel on the site and there were remaining concerns about parking provision. He felt the proposed CPZ needed to be factored into the considerations and did not feel he could support the application.
- (27) Councillor McCaffery stated that she was concerned about the safety issues on site as it was some way away from the main road. She believed the land may be contaminated and whilst the design of the dwellings and landscaping was very good, she felt these dwellings were situated in the wrong place.
- (28) Councillor Cobb agreed that the design was good but the location was not ideal. She recognised there had been a previous approval on the site, but felt there were still outstanding issues on safety, accessibility and rubbish collection. She was uncertain about whether she could support the application or not.
- (29) Mr Vidler addressed the committee and stated that Network Rail was consulted but no comments had been received. Access to the site for construction vehicles and fire engines was not a material planning consideration for Members and that four dwellings had already been approved for this site.

- (30) A vote was taken and on a vote of 2 for, 8 against and 0 abstentions planning permission was not granted.
- (31) Councillor Davey proposed refusal of the application, seconded by Councillor Rufus on the grounds of cramped accommodation, the low quality of accommodation and the negative impact on travel and parking provision in the area.
- (32) A short recess then followed in accordance with the Committee's procedure for planning decisions contrary to officer recommendations, to enable the precise wording of the proposed reasons for refusal to be drafted.
- (33) After the recess the detailed reasons and the related policies were read out and Councillor Alford asked whether further reasons for refusal could be added. He was particularly concerned with access for the emergencies services on site and did not feel the proposed sprinkler system was adequate to resolve this.
- (34) Mr Vidler informed the committee that access to the site was the same arrangements as the previously agreed scheme, and the Inspector had not raised this as an issue at the appeal.
- (35) The Solicitor added that the Planning Authority should be consistent in its decision making, but recognised that this committee was not constituted with exactly the same Members and that new issues could arise as considerations.
- (36) Councillor McCaffery also felt that there were disability access issues on the site and these did not seem to have been addressed anywhere. Councillor Rufus agreed and asked if the site conformed to lifetime homes standards. Ms Boggiano replied that half of the units were lifetime homes standards compliant whilst the other half were not. This was the same situation as what had existed in 2009 when the scheme had been approved.
- (37) Councillor Hamilton noted that if the Committee chose to add reasons to the refusal that were not considered on the previous application and the application went to appeal, the Council could be liable for costs if the refusal was unsustainable. The Solicitor to the Committee agreed and noted that if reasons were added that were not supported by evidence then this may also result in costs being awarded against the Council if the appeal was upheld.
- (38) Further reasons were not added to those already proposed and a recorded vote was taken. On a vote of 8 for, 2 against and 0 abstentions planning permission was refused for the reasons set out in the report.
- 31.4 **RESOLVED** – That the Committee has taken into consideration and does not agree with the reasons for the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission for the following reasons:
1. The proposed development does not provide for the travel demands it creates, contrary to policy TR1 of the Brighton & Hove Local Plan.

2. The proposal, by reason of it having six dwellings on site, would result in a cramped standard of accommodation for future residents, contrary to policies QD27 and HO4 of the Brighton & Hove Local Plan.
3. The proposed development, by reason of its close proximity to the Hollingdean Waste Facility, would lead to unacceptable noise exposure to residents of the scheme, both inside and outside their dwellings, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan

[Note]: Councillors Alford, Carden, Cobb, Davey, Hamilton, McCaffery, Fallon-Khan and Rufus voted for refusal of planning permission. Councillors Smart and Mrs Theobald voted against refusal of planning permission.

**E. Application BH2010/00931, 8 Hazel Close, Portslade** – Extension to time limit for the implementation of previous approval BH2005/00833/FP for the erection of a two bedroom attached house.

- (1) The Area Planning Manager (West), Mrs Hurley, introduced the application and demonstrated views and elevational drawings. She noted that the application had previously been approved and the applicant was applying for extension of the planning permission. There were no material changes in planning policy or guidance to consider except sustainable homes requirements, but this could be dealt with via conditions.
- (2) Councillor Smart asked if the design was similar to the adjoining property and Mrs Hurley agreed that it was.
- (3) Councillor Mrs Theobald asked how large the garden was and Mrs Hurley replied that it was of a similar size to its neighbour.
- (4) Councillor Cobb felt that it was not satisfactory to leave a plot empty for five years after planning permission had been granted and she did not feel she could support extending the permission even further.
- (5) A vote was taken and on a vote of 7 for, 2 against and 2 abstentions, full planning permission was granted subject to the conditions and informatives set out in the report.

31.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

**F. Application BH2009/02428, Land to rear of 197 Old Shoreham Road, Portslade** – Erection of 1 no. 2 storey building comprising 1 no. 2 bedroom maisonette and 2 no. 1 bedroom flats and associated cycle spaces, access road, footways and landscaping (3 residential units).

- (1) The Area Planning Manager (West) introduced the application and demonstrated views and elevational drawings. An application had been refused on this site in 2006 on the grounds of lack of parking provision and transport issues on the site. An appeal was dismissed and the lack of parking provision was upheld by the Inspector. A further application was submitted in 2009 and was refused on the grounds of design, scale, bulk and transport issues.

- (2) The agent to the applicant, Mr Bareham attended the meeting to speak in favour of the application and stated that this was a modestly sized dwelling and whilst there had been a previous refusal on scale, massing, bulk and footprint the current application was smaller. Whilst car parking issues were also stated as a reason for refusal by officers, Mr Bareham did not agree with this and felt that this application was a unique situation where the existing access constituted a highway safety issue and would be improved if it was closed off, and this was supported by the Highways Department. The application was now smaller and so there would be fewer residents generated by the new scheme, and Mr Bareham felt that the small increase in parking that this would create would be off-set by significant improvements to highway safety.

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

- (3) Councillor Hamilton stated that there were good and bad points to this application and recognised that blocking up the highway access would benefit highway safety. He was concerned about the extra parking requirements the scheme would create though, as the road already had problems. Whilst the highway access could be dangerous, he felt that there were relatively few cars currently accessing and egressing the site and road safety in the area could be vastly improved by lowering the speed limit instead. He felt that on balance, as the site would not be accessible to vehicles if the application was granted and would create parking issues, he supported the recommendation from the officers.
- (4) Councillor Carden agreed and noted that fly-parking was already an issue along this road. There was a doctors surgery and school nearby that added to the parking issues along the road at peak times and on balance, Councillor Carden felt that he could not support the application and agreed with the officers recommendations for refusal.
- (5) Councillor Mrs Theobald felt that this scheme constituted a terrible back land development, that was poorly conceived and had unresolved parking issues.
- (6) A vote was taken and on a unanimous vote full planning permission was refused for the reasons set out in the report.

31.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the reasons set out in the report.

### **32. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY**

32.1 **RESOLVED** – That those details of applications determined by the Director of Environment under delegated powers be noted.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Director of Environment. 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 by 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.]

**33. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST**

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

<b>Application:</b>	<b>Site visit requested by:</b>
BH2010/00060 & 00061, St Augustine’s Church, Stanford Avenue, Brighton	Deputy Development Control Manager
BH2009/01355, Wolseley Build Centre, 19 Bristol Gardens, Brighton	Councillor Mrs Theobald

The meeting concluded at 5.15pm

Signed

Chair

Dated this

day of

