

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 14 MARCH 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Farrow, Hamilton, Hawtree, Summers, C Theobald, Bowden, Rufus and Simson

Co-opted Members: Mr Chris Kift (the FED)

Officers in attendance: Jeanette Walsh, Head of Development Control; Paul Vidler, Deputy Development Control Manager; Nicola Hurley, Area Planning Manager (West), Guy Everest, Senior Planning Officer; Aidan Thatcher, Senior Planning Officer; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Service Officer.

PART ONE

149. PROCEDURAL BUSINESS

149a Declarations of substitutes

149.1 Councillor Bowden was present in substitution for Councillor Davey; Councillor Rufus was present in substitution for Councillor Kennedy and Councillor Simson was present in substitution for Councillor Wells.

149b Declarations of interests

149.2 Councillor Bowden explained that he had written a letter in relation to applications BH2010/03717 and BH2010/03696 6-8 St James's Street; however, he had not formed an opinion and would remain present to take part in the debate and vote.

149c Exclusion of the press and public

149.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members

of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

150. MINUTES OF THE PREVIOUS MEETING

150.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 22 February 2012 as a correct record.

151. CHAIR'S COMMUNICATIONS

151.1 The Chair welcomed Chris Kift from The Fed Centre for Independent Living, and highlighted that Mr Kift would be regularly attending Planning Committee as a co-opted member and would participate in debate only.

152. APPEAL DECISIONS

152.1 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.

153. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

154. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

155. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

156. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

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

Application:	Requested by:
BH2012/0014, Park House, Old Shoreham Road, Hove	Jeanette Walsh; Head of Development Control
BH2011/03791, Land Adjoining, Unit 5, 274 Old Shoreham Road, Hove	Jeanette Walsh; Head of Development Control

BH2010/03696 & BH2010/03717, 6-8 St. James's Street, Brighton.	Councillor Bowden
BH2011/03705, 23 Lowther Road, Brighton	Councillor Hyde
BH2011/03509, 7 Elm Close, Hove	Councillor Carol Theobald

157. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST

(i) MAJOR APPLICATIONS

A. Application BH2011/03796, 18 Wellington Rd, Brighton - Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 26 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.

- (1) It was noted that this application had formed to the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Aidan Thatcher, gave a presentation detailing the scheme as set out in the report by reference to plans, photographs and elevational drawings. The site was on the south side of Wellington Road, in a largely residential area; and contained a large detached Victorian villa. The application sought to extend the time limit for an extant consent BH2008/03248; the site had been subject to consultation, and the key issues were set out in the report. The height, scale, bulk and massing had been considered acceptable by the previous consent, and it was noted there had been some demolition on site but the Council had taken the view that this did not implement the consent. There had been no changes to material planning considerations, since the previous consent and, as such, the recommendation was that the Committee be minded to grant subject to a Section 106 Agreement and for the reasons set out in the report.

Questions for Officers, Debate and Decision Making Process

- (3) In response to a query from Councillor Simson it was confirmed that the proposed clause in the Section 106 Agreement *restricting the use of the development to provision of housing for those with learning and physical disabilities* had been included in the previous consent.
- (4) Councillor Hyde welcomed the development as it was in keeping with buildings in the wider area, and she would be voting with the Officer recommendation.
- (5) Councillor Carol Theobald welcomed the retention of the original Victorian villa, and she stated she would be voting with the Officer recommendation.

- (6) Councillor Hawtree noted that there was a mixture of buildings in the road and stated his broad support for the scheme.
- (7) A vote was taken and the 12 Members present voted unanimously that the extension to time limit for full planning be granted.

157.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and is **MINDED TO GRANT** planning permission subject to a Section 106 Agreement and the Conditions and Informatives set out in the report.

B. Application BH2011/03887, Land east of 55 Highcroft Villas, Brighton - Application to extend the time limit for implementation of previous approval BH2007/03843 for the erection of an apartment building containing 24 flats with parking access.

- (1) The Senior Planning Officer, Guy Everest, gave a presentation detailing the scheme as set out in the report by reference to plans, photographs and elevational drawings. The site had previously been used in connection with the railway line; Highcroft Villas was a residential street containing a mixture of different building styles. The application sought to extend the time limit for implementation of an extant permission, BH2007/03843 which had been granted at appeal. The site would contain 24 residential units, 10 of which would be affordable, and it varied in height due to the variation of the ground level. Vehicular access would be off Highcroft Villas, and the proposals had provision for 24 residential spaces and five for visitors. The proposed use of the site had been deemed appropriate by the previous consent, and, as such, the recommendation was that the Committee be minded to grant the application subject to a Section 106 Agreement and for the reasons set out in the report.

Questions for Officers, Debate and Decision Making Process

- (2) Councillor Hawtree noted that the previous application had been refused by the Committee, but granted on appeal. He felt there was little distinction to the proposals, but noted that the scheme had already been deemed appropriate by the previous consent, and the Senior Lawyer, Hilary Woodward, noted that the Committee needed to be mindful of this consent when making their decision.
- (3) Councillor Carden highlighted his objection to the previous scheme, and stated that his position had not changed.
- (4) Councillor Rufus asked a question in relation to ecology, and it was explained that slowworms were present on the site; however, the Section 106 Agreement had a clause to mitigate the loss of habitat.
- (5) In response to a query from Councillor Farrow it was confirmed that there was no evidence of badger sets on the site.
- (6) It was confirmed to Councillor Carol Theobald that the height had not changed from the scheme granted in the previous consent.

(7) On a vote of 6 to 2 with 4 abstentions the extension to time limit for full planning was granted.

157.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and is **MINDED TO GRANT** planning permission subject to a Section 106 Agreement and the Conditions and Informatives set out in the report.

(ii) **MINOR APPLICATIONS**

C. Application BH2011/02845, 150 Ladies Mile Rd, Brighton - Demolition of garage and out building in garden to north side of existing bungalow and erection of new two storey detached dwelling.

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

(2) The Deputy Development Control Manager, Paul Vidler, drew Members attention to additional comments in support of the application in the Late List, and gave a presentation detailing the scheme by reference to plans and photographs. The application sought the division of the plot at no150 Ladies Miles Road to build an additional detached property. The building had been designed to echo other buildings further up the street, and it was highlighted that the first floor was set back one metre from the ground floor at the rear of the property to address neighbour concerns in relation to loss of amenity. The spaces between the proposed new building and the neighbouring properties would be 2 metres on either side, and this was similar to the plot configuration of the newer properties further up the street. The proposals would achieve code level 4 for sustainability; it was considered there would be adequate garden space on both the new property and the existing, and there was adequate provision of parking at the front of both properties. The application was recommended for approval for the reasons set out in the report.

Public Speakers and Questions

(3) Mr L. Rathbone, a local resident, spoke in objection to the application stating the recessed first floor at the rear of the property would not be sufficient to mitigate the loss of sunlight to his neighbouring property, and the use of his rear garden and patio would be compromised. It was felt the proposals were contrary to planning policy and constituted overdevelopment as the property had been turned sideways on to ensure it fitted the plot. There would also be other neighbours affected by the scheme; it was accepted that there been some compromise to the proposals, but it was considered that they did not go far enough to address concerns.

(4) Councillor Rufus asked if Mr Rathbone was opposed to development of the scheme in principle or simply the proposals that had been put forward. Mr Rathbone stated he had no objection to the development of the site, but that his objections related to the way development was proposed as part of this scheme.

(5) Councillor Pidgeon spoke in his capacity as the local Ward Councillor, and stated that he had received letters and phone calls from local residents expressing their concern

in relation to the proposals. The proposed location of the building on the plot would create a significant loss of privacy for the residents at no152 Ladies Miles Road and affect amenity. The proposal was also considered too large for the plot, and it was felt it would look out of place on the street.

- (6) Mr R Holness, the applicant, spoke in support of the application, and stated that although the main entrance door was on the side of the property the windows on this aspect would be obscured to prevent overlooking. The objections from residents had been considered and dealt with as part of the planning application process, and this was reflected by the Officer's recommendation that the application be granted. The proposals would allow the applicant additional space to accommodate elderly parents, and ensure the family could provide assistance by being close by, but still ensured that the family each had their own independent living spaces.
- (7) The Head of Development Control, Jeanette Walsh, highlighted that the Committee must consider the proposed scheme as set out in the report, and not give weight or consideration to any amended scheme.
- (8) In response to a query from Councillor Hyde the Senior Lawyer explained that the personal circumstances were capable of being material planning considerations; however, they should be considered in the context of all the material planning considerations relating to any particular scheme. The Head of Development Control also noted that personal circumstances had not formed part of the submission or application.
- (9) In response to queries from Councillor Cobb and Councillor Bowden it was confirmed that the application would lead to the creation of an additional property on a separate plot.
- (10) It was confirmed for Councillor Hyde that the distance between the existing bungalow and the proposed new property would be two metres.

Questions for Officers, Debate and Decision Making Process

- (11) Councillor Farrow stated that he accepted there was the necessity for infilling to provide additional housing in the city, and went on to ask how Officers interpreted whether a scheme was appropriate. The Deputy Development Control Manager explained that Officers considered the size of the plot, the impact of neighbouring properties, the street scene and other factors. Following further queries from Councillor Farrow it was explained much of the work undertaken by Officers in producing recommendations was subjective, and it was necessary to make a judgement on each application on its own merits.
- (12) In response to a query from Councillor Hawtree it was explained that a code level 4 for sustainability had been negotiated and was considered to be acceptable.
- (13) Councillor Simson asked a question about the windows on the north elevation of the property that would face no152. Officers explained that these were either stairs or toilets; they would all be obscured, and only could only be opened above eye level.

Following a further question it was also explained that the rear balcony was recessed and cut out of the roof space.

- (14) Councillor Bowden asked questions in relation to the loss of amenity, and it was explained that it was not normal to conduct a sunlight study on a development of this size, but it was accepted there would be some reduction due to the alignment of the rear elevation of the building.
- (15) Councillor Hyde noted that the main room affected at no152 was the kitchen, and asked if it was considered a habitable room. It was confirmed that the affected window was secondary.
- (16) Councillor Farrow noted his concerns in relation the scheme; he accepted the need for infilling, but went on to state that he did not consider the proposals appropriate and would be voting against the Officer's recommendation.
- (17) Councillor Cobb stated she agreed with Councillor Farrow, and highlighted her concerns in relation to the impact of the street scene, the reduction in the plot size and the impact on amenity. She stated that she would also be voting against the Officer recommendation.
- (18) Councillor Hyde highlighted her concerns in relation to the loss of sunlight and daylight; the provision of a two-storey building next to a bungalow, and the potential impact this could cause. Although she sympathised with the personal circumstances of the applicant she would be voting against the Officer recommendation.
- (19) Councillor Carol Theobald raised concerns in relation to size of the balcony, and felt that the proposal was too bulky and would be overbearing.
- (20) Councillor Hawtree stated his view that the scheme should be reconsidered.
- (21) Councillor Rufus noted that he did not share some of the concerns of other Members in relation to the proximity to neighbouring properties; but on balance he felt that the proposals were too big for the plot, and he would be voting against the Officer recommendation.
- (22) Councillor Bowden said that the proposal was a good solution to the applicant's personal situation, but felt the application could be resubmitted with a better design. He would be voting against the Officer recommendation.
- (23) The Head of Development Control clarified that the impact on amenity of both neighbouring properties had been assessed.
- (24) A vote was taken and, of the 12 Members present, planning permission was refused on a vote of 9 to 3. Councillor Hyde proposed reasons that planning permission be refused, and this was seconded by Councillor Hawtree; a short recess was then held to allow the Chair, Councillor Hyde and Councillor Hawtree to agree the reasons for the refusal in full, in consultation with the Head of Development and the Senior Lawyer. A recorded vote was then taken and, of the 12 Members present, planning was refused on a vote of 9 to 3 for the reasons set out below.

- 157.3 **RESOLVED** - That the Committee has taken into consideration the recommendation but resolves to **REFUSE** planning permission for the reason set out below.

The proposed developments by reason of its size, arrangement, scale and massing would have an adverse and overbearing impact on the properties at 150 and 152 Ladies Mile Road. This would cause an unacceptable loss of sunlight and daylight to those properties contrary to policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan 2005.

Note 1: A vote was taken and planning permission was refused on a vote of 9 to 3.

Note 2: Councillor Hyde proposed reasons for refusal of planning permission (set out above), these were seconded by Councillor Hawtree. A recorded vote was then taken. Councillors MacCafferty (Chair), Bowden, Cobb, Farrow, Hawtree, Hyde, Rufus, Summers and Carol Theobald voted that planning permission be refused. Councillors Carden, Hamilton and Simson voted that planning permission be granted. Therefore on a vote of 9 to 3 planning permission was refused.

- D. Application BH2011/03629, 21 Dyke Rd Ave, Hove** - Erection of porch extension of front, single storey side and rear extension and balcony area above existing rear conservatory.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (West), Nicola Hurley, gave a presentation detailing the scheme by reference to plans, photographs and elevational drawings. Planning permission was sought for a single side and rear extension to replace the existing garage with a workshop; the existing garage already adjoined the boundary of the property. The scheme also included the installation of a balcony at the rear of the property which would be conditioned to include screening to reduce the impact of overlooking, and the balcony would be over 5.5 metres away from boundary. The application was recommended for approval for the reasons set out in the report.

Public Speakers and Questions

- (3) Mrs Claire Grimes, a local resident, spoke in objection to the application and stated that she did not want the proposed extension to come up to the boundary fence she shared with the applicant's property; instead she felt it should be 1 metre away. There would be loss of light to the southern facing windows of her property, and there was concern that the footings of the proposal could cause damage to the piping to the swimming pool at her property.
- (4) In response to a query from Councillor Cobb it was confirmed that there was a wooden shed on Mrs Grimes property that adjoined the boundary of her property, but this had been in situ for many years.
- (5) Councillor Jayne Bennett spoke in her capacity as local Ward Councillor, and stated that she objected to building up to the boundary as the property had a large plot and it

was considered un-neighbourly. She also noted concern for the potential loss of a beech tree, and felt that the balcony would create a loss of privacy for neighbours.

- (6) In response to a query from Councillor Hawtree Councillor Bennett stated that effort should be made to preserve trees where possible, and the long term impact of the building works on the tree would not be known.
- (7) Councillor Bowden stated that the screening on the balcony would prevent overlooking, and in response Councillor Bennett said this would depend on the view. Councillor Bowden reiterated his view that the proposed screening would be sufficient.
- (8) Mr L. Cadell-Smith, the applicant, spoke in support of the application, and stated that the proposed extension would only be 0.5 metres higher than the existing fence, and the balcony would be screened and planted to prevent overlooking. It was confirmed that the beech tree was already in a poor state, and this had been confirmed by the Council, and he felt it was a reasonable relationship for both properties to build up to the boundary,
- (9) The Head of Development Control confirmed that the Party Wall Act was separate to planning policy, and would have to be considered through a separate process.

Questions for Officers, Debate and Decision Making Process

- (10) In response to a query from Councillor Simson it was explained that the garage currently had a pitched roof, and the proposed extension would also have the same.
- (11) Councillor Rufus stated that it was important to seriously consider the potential impact of amenity on neighbours; furthermore, he did not feel that the proposals would have an adverse impact on the design of the building, but he stated that the increase in height of 0.5 metres could still be of great significance to neighbours.
- (12) Councillor Cobb said that she did not agree with building up to the boundary, and would be voting against the Officer recommendation.
- (13) The Head of Development control highlighted that gaps and spaces were material planning considerations, but the Council did not currently have a policy on this; however, the Council was currently consulting on its draft SPD on householder extensions which, contained information on boundaries.
- (14) Councillor Carol Theobald noted her objection to building up to the boundary, and stated she was not in favour of the application.
- (15) Councillor Hawtree noted the 'random' nature of the existing building.
- (16) Councillor Farrow noted his concern that the Council did not have a policy in relation to building up to boundary walls, and stated that this made it more difficult for him to make a firm judgement on the application.

- (17) Councillor Bowden noted that was already an existing building on the boundary, and felt the proposals would be an improvement as the boundary fence was in need of repair.
- (18) Councillor Rufus explained that he was not concerned about building up the boundary, but rather the increased proximity of residents. Due to the proposed lengthening of the extension at the side he would be voting against the Officer recommendation.
- (19) Councillor Simson noted that as the garage was already in situ, and came up to the boundary wall, and she would be voting with the Officer recommendation.
- (20) A vote was taken and the 12 Members of the Committee present voted that planning permission be granted on a vote of 6 to 2 with 4 abstentions.
- 157.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.
- E. Application BH2011/03705, 23 Lowther Rd, Brighton** - Erection of single storey side and rear extension.
- 157.5 **RESOLVED** - That consideration of the above application be deferred pending a site visit.
- F. Application BH2010/03696, 6-8 St James St, Brighton** - Installation of acoustic panelling to fixed freezer unit and waste storage area within service yard. Removal of Dawson's chiller unit and storage containers. Removal of existing palisade fencing and erection of new acoustic fencing and gates to service yard.
- 157.6 **RESOLVED** - That consideration of the above application be deferred pending a site visit.
- G. Application BH2010/03717, 6-8 St James St, Brighton** - Variation of condition 5 of permission BN84/0222/F (Erection of supermarket complex comprising of 1no floor of retail space with 1no level open car parking for 96 cars) for delivery hours to be extended to 0700 to 2030 on Monday to Saturday (including Bank Holidays) and 0900 to 1600 on Sunday.
- 157.7 **RESOLVED** - That consideration of the above application be deferred pending a site visit.
- H. Application BH2011/03901, 106 St James St, Brighton** - Change of use of basement from ancillary retail storage (A1) to tattoo studio (Sui Generis)
- (1) The Deputy Development Control Manager gave a presentation detailing the scheme by reference to plans. The application sought a change of use for the basement from ancillary storage (A1) to a tattoo studio. Currently there was a shop on the ground floor, and storage in the basement; the proposals sought to use the basement as a tattoo parlour with access through the shop above, and there would be no impact on

amenities. The application was recommendation for approval for the reasons set out in the report.

Questions for Officers, Debate and Decision Making Process

- (2) Councillor Carol Theobald noted that many of the objections had not come from people who lived in, or near, to the city. The Head of Development control stated that the Council could not stop individuals making representations.
- (3) Councillor Hawtree noted that there were over 100 tattoo and piercing studios in the city, but he was satisfied with the application.
- (4) It was confirmed for Councillor Simson that the Council had no policy in relation to saturation of tattoo studios.
- (5) A vote was taken and the 12 Members present voted unanimously that planning permission be granted.

157.8 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

I. **Application BH2011/03432, Blocks E F Kingsmere, Brighton - Roof extension to Blocks E and F to provide 8no flats each with own private roof garden.**

- (1) The Area Planning Manager (West) gave a presentation detailing the scheme by reference to plans, elevational drawings and photographs. The application related to the eastern side of London Road and blocks E & F of Kingsmere. Planning permission had been granted in 2010 for an extension to the roof containing 4 units each with 3 bedrooms. This application sought consent for an additional storey of the same footprint, but instead for 8 units with a mixture of 1 & 2 bedrooms each with their own outside space. Members' attention was drawn to a letter of representation received from Councillor Ann Norman and Councillor Ken Norman in objection to the scheme. The application required a contribution to sustainable transport of £6,000. The application was recommended for approval for the reasons set out in the report.

Questions for Officers, Debate and Decision Making Process

- (2) In response to a query from Councillor Carol Theobald it was explained that the units would not be of the same configuration as those on the floor below; measures in relation to sound proofing would fall under the remit of Building Control.
- (3) Mr Chris Kift asked questions in relation to Lifetime Homes and access and adaptability for people with disabilities and mobility problems. In response it was explained that the Life Time Homes standards had been considered by the applicant, but not all had been met; however the work could not commence until the applicant had taken account of all Life Time Homes standards.

- (4) In response to a query from Councillor Cobb it was explained that the provision of cycle parking was dealt with by condition 8 in the report.
- (5) The Area Planning Manager (West) confirmed the differences in layout between the previous consent, and the new proposals.
- (6) Councillor Carol Theobald stated that most of the objections were from residents of Kingsmere, and she raised concerns in relation to the potential noise impact, the increased numbers of units and the size. She stated that she would be voting against the Officer recommendation.
- (7) Councillor Rufus noted his objection to the size of the units, and felt that the living conditions would be reduced. He stated that he would be voting against the Officer recommendation.
- (8) The Area Planning Manager (West) stated the sizes of the proposed units, and went on to add that the Council had a minimum size of units for affordable homes, but not for private homes.
- (9) Councillor Simson noted her objections to the scheme; stating that she did consider it well thought out.
- (10) Councillor Farrow noted his concern that the Council did not have a policy in relation to a minimum size of units, and he did not feel the units would be sufficient for people with disabilities.
- (11) A vote was taken and, of the 12 Members present, planning permission was refused on a vote of 8 to 3 with 1 abstention. Councillor Carol Theobald proposed reasons that planning be refused, and this was seconded by Councillor Simson; a short recess was then held to allow the Chair, Councillor Carol Theobald and Councillor Simson to agree the reasons for refusal in full, in consultation with the Head of Development Control and the Senior Lawyer. A recorded vote was then taken and, of the 12 Members present, planning permission was refused on a vote of 8 to 3 with 1 abstention for the reasons set out below.

157.8 **RESOLVED** - That the Committee has taken into consideration the recommendation but resolves to **REFUSE** planning permission for the reasons set out below.

1. The proposed development by reason of its configuration and increase in the number of residential units would result in a scheme having an adverse impact on the amenities of the existing and future occupants by reason of noise and disturbance and the cramped nature of the new units, contrary to policies HO4 and QD27 of the Brighton and Hove Local Plan 2005
2. The proposed development fails to provide any car parking. This is likely to lead to an increase in parking pressure on the surrounding highway network contrary to policy TR1 of the Brighton and Hove Local Plan 2005

3. The proposed development provides insufficient usable private amenity space reflective of the scale and character of the development contrary to policy HO5 of the Brighton and Hove Local Plan 2005.

Note 1: A vote was taken and on a vote of 8 to 3 with 1 abstention planning permission was refused.

Note 2: Councillor Carol Theobald proposed reasons for refusal of planning permission (set out above) and these were seconded by Councillor Simson. A recorded vote was then taken. Councillors Cobb, Rufus and Farrow voted that planning permission be granted. Councillors, Bowden, Carden, Hamilton, Hawtree, MacCafferty Simson, Summers and Carol Theobald voted that planning permission be refused. Councillor Hyde abstained. Therefore on a vote of 8 to 3 with 1 abstention planning permission was refused.

J. Application BH2012/00047, 227-233 Preston Rd, Brighton - Display of internally illuminated fascia (letters only) and projecting signs, and non-illuminated ATM surround and totem sign.

- (1) The Area Planning Manager (West) gave a presentation detailing the proposals by reference to pictures and drawings. The application was for advertisement, and only the letters of the fascia would be illuminated. An error in the report was highlighted, and it was explained that the totem would not be internally illuminated. Members' attention was drawn to late representation from CAG and the letters of representation in the report. The application site was in a conservation area, and, as such, complied with the relevant policies; the application was considered appropriate for the scale of the building. The application was recommended for approval for the reasons set out in the report.

Questions for Officers, Debate and Decision Making Process

- (2) In response to a query from Councillor Hawtree it was confirmed that there was space on the totem for an additional advertisement.
- (3) A vote was taken of the 11 Members present, and it was agreed that advertisement consent be granted on a vote of 9 to 1 with 1 abstention.

157.9 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

Note: Councillor Bowden was not present during the consideration and vote of this application.

K. Application BH2011/03509, 7 Elm Close, Hove - Erection of 1no five bedroom house (part retrospective).

157.10 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

L. Application BH2011/03803, 83 Upper North St, Brighton - Installation of French doors to replace existing ground floor rear window

- (1) The Area Planning Manager (West) gave a presentation detailing the scheme by reference to photographs and drawings. The building was a terrace house on Upper North Street, and the application was for listed building consent for the removal of the window to replace with French doors, and letters of representation had received in support of the application. Members were asked to consider if the application would negatively affect the listed building and its setting; granting the application would necessitate the demolition of masonry contrary to policy which stated it should be retained. The application was recommended for refusal for the reasons set out in the report.

Public Speakers and Questions

- (2) Mr J. Baines, the agent for the applicant, spoke in support of the application stating that the doors would reflect the detail of the existing windows and improve the sunlight and access to the rear garden. Similar work had been undertaken on other properties on the street, and pre-application advice had suggested that the application could be recommended for approval.
- (3) In response to a question from Councillor Rufus Mr Baines was not able to confirm if the window in question was original; however in response to further queries from Councillor Hyde and Councillor Simson it was confirmed that the windows on the first and second floors at the rear of the property were of the wrong style and not original.
- (4) Councillor Hawtree asked why the additional access to the rear was necessary when there was already access through the kitchen. In response Mr Baines explained that the access through an amenity room was preferable and more practical.

Questions for Officers, Debate and Decision Making Process

- (5) Councillor Hawtree asked for more information on the rationale behind the lean to which had been granted permission in 1997/8. Officers did not have this information, but highlighted that the Council was operating under new policies and a new SPD.
- (6) Councillor Rufus stated that the impact would be minimal if granted, and the rear of the building was already compromised.
- (7) Councillor Farrow expressed concern that policy was not being applied fairly and consistently as similar works had been allowed on nearby properties. Officers stated that such works could have been granted permission before the adoption of the local plan.
- (8) Councillor Hawtree stated that the rear of the building was in good condition, and he would be voting with the Officer recommendation.
- (9) Councillor Bowden suggested that policy had been applied too rigidly in consideration of the recommendation, and he stated that the installation of French doors would not

harm the listed building. Councillor Hawtree noted his disagreement with these comments.

- (10) Councillor Hyde stated that the rear of the building was already compromised, and felt that the application would improve the living conditions for the residents.
- (11) Councillor Farrow reiterated his earlier views, and stated that he would vote against the Officer recommendation.
- (12) Councillor Rufus explained that it was still important to consider the conditions for residents who lived in listed buildings, and, as such, would be voting against the Office recommendation.
- (13) Councillor Simson asked that, if granted, an informative be added that the window be recycled rather than destroyed.
- (14) Councillor Carol Theobald stated that she thought the proposals were acceptable as they were at the rear of the property.
- (15) The Area Planning Manager (West) highlighted as this was an application for listed building consent that Members should only consider the impact on the listed building. The Head of Development Control also stated that approximately 1% of buildings nationally were listed as they were considered to be of important historic value.
- (16) A vote was taken of the 12 Members present, and listed building consent was granted on a vote of 6 to 6 on the Chair's casting vote.

157.11 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **REFUSE** listed building consent for the following reason:

- 1. Policy HE1 states proposals involving the alteration of a Listed Building will only be permitted where the proposal would not have an adverse effect on the architectural and historic character of the building. The proposal to remove the original window, which is a historic feature of the property, and to demolish part of the property's historic fabric is contrary to the above mentioned policy and the guidance contained in SPD09 Architectural Features, and is considered to cause harm to this Grade II Listed Building.

Informatives:

- 1. This decision is based on drawing nos.UNS03A and UNS04 received on 09-Jan-2012.

158. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY THE LOCAL PLANNING AUTHORITY INCLUDING DELEGATED DECISIONS

158.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place 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 Strategic Director of Place. 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.]

159. 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

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

Application:	Requested by:
BH2012/00114, Park House, Old Shoreham Road, Hove	Jeanette Walsh; Head of Development Control
BH2011/03791, Land Adjoining Unit5, 274 Old Shoreham Road, Hove	Jeanette Walsh; Head of Development Control
BH2010/03696 & BH2010/03717, 6-8 St. James’s Street, Brighton.	Councillor Bowden
BH2011/03705, 23 Lowther Road, Brighton	Councillor Hyde
BH2011/03509, 7 Elm Close, Hove	Councillor Carol Theobald

The meeting concluded at 17.17

Signed

Chair

Dated this

day of

