

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 8 AUGUST 2012****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Hawtree (Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Bowden, Cobb, Gilbey, Hamilton, Mac Cafferty, Phillips, C Theobald and Wells

Co-opted Members James Breckell (Conservation Advisory Group)

Officers in attendance: Jeanette Walsh, Head of Development Control; Claire Burnett, Area Planning Manager (East); Pete Tolson, Principal Transport Planning Officer; Steve Walker, Senior Team Planner; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Services Officer.

PART ONE**39. PROCEDURAL BUSINESS****39a Declarations of substitutes**

39.1 Councillor Sykes was present in substitution for Councillor Jones; Councillor Phillips was present in substitution for Councillor Davey and Councillor Bowden was present in substitution for Councillor Summers.

39b Declarations of interests

39.2 Councillor Sykes explained that in relation to Application BH2012/01358 8 & 8A Western Street he had spoken with both the developer and local residents, but made no statement to either party; the Senior Solicitor, Hilary Woodward, confirmed that provided Councillor Sykes considered himself to be of an open mind in relation to this matter he could remain present for the discussion and vote on this application. Councillor Sykes confirmed that he would remain.

39c Exclusion of the press and public

39.3 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.

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

40. MINUTES OF THE PREVIOUS MEETING

40.1 At Item 32 (D) Councillor Gilbey asked that an additional paragraph be added to note the concern she raised in relation to the loss of employment at the application site.

40.2 At 25.2 the clerk, Ross Keatley, noted that a sentence was missing which should read 'At paragraph 20, third sentence, it was clarified that Councillor Hawtree had requested a proposer for reasons for the refusals rather than a proposer for the refusal itself'.

40.3 **RESOLVED** – That, with the above changes, the Chair be authorised to sign the minutes of the meeting held on 18 July 2012 as a correct record.

41. CHAIR'S COMMUNICATIONS

41.1 There were none.

42. PUBLIC INVOLVEMENT

42a Petitions

42.1 The Committee considered a report of the Strategic Director, Resources in relation to the submission of petitions on 'Planning Brief for Medina House' and 'Support for Level Skatepark Planning Application BH2012/01598'.

42.2 Ms Paynter, the lead petitioner, presented her petition in the following terms:

42.3 *We the undersigned petition the council to Urgently produce a Planning Brief for Medina House. Planning Brief ground rules, over and above existing council policy documents and the Local Plan, are needed for any further Medina House planning applications as a matter of some urgency and in order to help bring the present stalemate situation with its owners to an end. We ask that BHCC considers (a) Giving first preference to restoration/redevelopment that brings the existing, historically important, building back into use, and if for housing, that it be confined to the present envelope, and car-free. (b) Considers non-housing use-class designation for the site in order to provide public facilities and/or employment opportunities for this section of Hove's seafront area, and (c) Restricts redevelopment at Medina House to the existing height level in order to protect tiny, historic, Sussex Road and Victoria Cottages dwellings (which abut the back wall of Medina House) from unacceptable overshadowing and light loss.'*

42.4 Mr Green, the lead petitioner, presented his petition in the following terms:

42.5 *'We the undersigned petition the council to Approve planning application BH2012/F01598 so that The Level can have the skatepark it deserves.'*

42.6 **RESOLVED** – That the content of the report and petitions be noted.

42.7 There were no other petitions, written questions or deputations.

43. ISSUES RAISED BY COUNCILLORS

43.1 There were no petitions, written questions, letters or notices of motion from Members.

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

44.1 There were none.

45. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A. BH2012/01598 - The Level, Ditchling Road

(1) Construction of a new skate park and associated landscaping.

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

(3) The Area Planning Manager (East), Claire Burnett, introduced this item and gave a presentation by reference to photographs, plans, and concept drawings and updated the Committee that there was an error on the site plan that had been issued with the agenda, but an amended plan had been circulated at the meeting. Members' attention was also drawn to additional representations on the Late List, and it was explained that a further two letters of support had been received that did not raise any additional planning considerations. The application site was one of the major public open spaces in the city and part of the Valley Gardens Conservation Area. There was an existing skatepark already on the Level which comprised of pine wooden structures dating from the 1970's and they were considered to be of a poor design and state of repair and detracted from the listed buildings in the area. The report contained additional information on the background to the application and the decision to progress a masterplan for The Level which included the removal of the existing skatepark and the greening of the area with a sensory garden. The northern area of The Level was divided in 4 quadrants and used for informal recreational activities.

(4) The proposed skatepark would be constructed from polished concrete and sunken into the ground with some areas rising to a maximum of 0.6 metres above the ground level; the skatepark would be surrounded by planted mounds and set in from the existing paths by approximately 1 metre, and following pre-application discussions railings would now be included around the park. Although the skatepark would be located on a site that was currently grass the additional of the sensory garden on the current site of the skatepark and plans to grass over one of the northern quadrants - that was currently gravelled - would create a net increase of green space at The Level. Some of the features of the skatepark were highlighted and included the proposed entrances, lighting and cycling provision. The sunken design of the proposed skatepark would

help preserve the traditional design and character of The Level, and offer a substantial improvement on the current facility. An amenity noise assessment had been undertaken on both the current skatepark and the proposed one; the results expected the proposed new site to be quieter due to the sunken design and use of concrete rather than wood; it was also noted that the current site had not been the subject of any complaints in relation to noise. The skatepark would be lit until 10 p.m. each night, and it was felt there would be little light pollution as the lighting was below the tree canopy; an improvement on the existing lighting and the nearest residential property was approximately 60 metres away. The site was considered highly assessable due to the central location, and, although low levels of car usage were anticipated in connection with the skatepark, there was adequate parking available, and cycle stands would be provided on site. For the reasons outlined in the report the application was recommended for approval.

Questions for Officers

- (5) Councillor Hyde asked if the skatepark would be used for competitions with other visiting clubs, and in response it was explained that the application had considered the intensity of the use, and there was a condition requesting a management plan be produced which would cover such issues.
- (6) Councillor Hyde went on to ask about the potential noise at the site, and in response Officers from Environmental Health explained that the consultant noise report had highlighted that the existing skatepark was noisier; however, the larger size and potentially increased usage could increase noise levels at the proposed site.
- (7) Councillor Hamilton asked specific questions in relation to the loss of grassland on the northern part of The Level, and the size of the actual skateable area compared to the existing skatepark. In response it was explained that the increase in the grassland would be achieved through the grassing of an area that was currently gravelled, and the size of the proposed skateable area was greater than that of the existing site.
- (8) Councillor Carden asked if the skatepark would be supervised, and noted anecdotal information in relation to the operation of the current skatepark by some users. In response the Head of Development Control and the Senior Solicitor explained that the arrangements for supervision would form part of the conditioned management plan; and the question in relation to the anecdotal evidence was not relevant to the application as it did not constitute a material planning consideration.
- (9) In response to a query from Councillor Sykes it was clarified that Officers would be consulting with the Environment Agency in regard to groundwater as the proposals would be sunken.
- (10) In response to a series of questions from Councillor Cobb it was explained that: details of The Level being a gift to residents of Brighton were not a material planning consideration; there would be 15 solid timber blocks provided around the perimeter for seating and the rationale for the use of concrete as opposed to wood for the ramps was the reduced level of noise with concrete.

- (11) Mr Breckell from the Conservation Advisory Group (CAG) explained that the group had supported the application as it was respectful of the Conservation Area and an excellent piece of landscape design.
- (12) Councillor Bowden asked questions in relation to age and profile of supporters and objectors to the application. In response the Head of Development explained that the Council did not collect any data of the profile of persons who submitted comments on planning applications; instead comments were reported on the basis of whether they were material planning considerations.
- (13) In response to questions from Councillor Gilbey in relation to the materials and safety concerns it was explained that the skatepark had been designed by a professional design company who specialised in this area of work and two risk assessments had been undertaken. No additional noise was anticipated for users of The Level itself due to the sunken design of the skatepark and the use of concrete. The mounds would be approximately 0.5 metres high and would be landscaped on top; the management of landscaping would be undertaken by the City Park Team; in response to a further query from Councillor Bowden it was explained that the planting would not be dense enough to reduce the impact of noise.

Debate and Decision Making Process

- (14) Councillor Carol Theobald noted that the current facilities were in need of updating; the facility would be an asset to the city, and she hoped the application was granted in line with the Officer recommendation.
- (15) Councillor Bowden noted he was in two minds in relation to the application, but noted that with the London 2012 Olympics there could potentially be an increase in the numbers of people wishing to take up such sports.
- (16) Councillor Wells noted that on the site visit he had heard the users express a preference for wooden structures rather than concrete; he went on to explain that there would be increased risk of injury with a concrete design. He noted that much of the noise had been masked by the general traffic noise in the area, but also expressed concerns that there could be a retreat in the popularity of the sport in future potentially creating an underused facility. Councillor Wells concluded that he did not agree with the loss of the green space at The Level, and he was unable to support the application if it proposed the use of concrete structures rather than wooden.
- (17) Councillor Sykes noted that the normal practise was for modern skateparks to be designed from concrete; he went on to note his support for the scheme.
- (18) Councillor Mac Cafferty noted the poor state of the existing skatepark, and highlighted that the proposal would create more green space and provide an excellent facility for the city. Furthermore the application was a clear reflection of the views that had been expressed as part of the consultation process.
- (19) Councillor Phillips noted: the site was in an excellent central location; it encouraged active travel and transport; was supported by CAG; would provide more green space at The Level and the use of concrete would be quieter than the current wooden

structures. She also noted that the consultation had produced very clear recommendations which were reflected in the proposed scheme put forward by Officers.

- (20) Councillor Hamilton noted that it was his view there was insufficient evidence that the skatepark had to be moved from the existing site, and the application would alter the traditional separation of activities at The Level.
- (21) Councillor Gilbey said she had been surprised by the amount of space the skatepark would take up when they had viewed the area at the site visit. She felt that the additional green space would not be provided as a direct result of this application as a large part of this would be achieved by removing the gravelled area and replacing it with grass. She went onto note that the new skatepark could have been provided at the existing site.
- (22) A vote was taken and planning permission was granted on a vote of 6 to 2 with 4 abstentions.
- 45.1 **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 resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

B. BH2012/00752 - 15 Lenham Avenue

- (1) Demolition of existing dwelling and erection of 2no detached dwellings.
- (2) A vote was taken and the 12 Members present unanimously agreed that planning permission be granted.
- 45.2 **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 resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

C. BH2012/00297 - 26A West Hill Road

- (1) Demolition of existing redundant buildings and erection of 2no two bedroom dwelling houses.
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Area Planning Manager (East) introduced applications BH2012/00297 for full planning and BH2012/00298 for conservation area consent and gave a presentation by reference to photographs, plans and elevational drawings; a scale model had also been provided by the applicant which had been validated by Officers. The application site was currently a small piece of land which contained several lock up garages and work shops; three previously proposed schemes on the site had been refused with details of these in the report. The applications sought the demolition, and associated

conservation area consent, of the existing building and the erection of two houses. Both CAG and the Heritage Team had objected to the application. The main changes since the refusal of the previous application was the submission of further marketing information and minor internal and external changes. The current buildings were all single storey; in a poor state of repair; had no access to mains water, drainage or power, and were not considered fit for modern use. Evidence had been submitted to show that the units had been marketed since March 2011, and in the absence of comparable data the loss of employment had been deemed acceptable and not contrary to policy.

- (4) The plot was considered to be of an awkward shape, and not typical to allow for the development of two properties; with the proposed western dwelling located in close proximity to the boundary. The proposal was not considered to be in-keeping with the conservation area, over-development, constituted poor accommodation and failed to meet access standards as set out in the report. The traditional character of the area was considered to be of a very high standard, and the front façade of the proposals failed to meet these standards and would disrupt the rhythm and symmetry of the street scene. The handling of the front doors and bay windows were not paired, unlike the rest of the street; the proposal failed to reflect the 'stepping down' configuration present in the street and there was concern the end terrace would appear inappropriate and contrived. Previous applications had also been refused on the impact on amenity and this application had failed to address these concerns. In the absence of an acceptable scheme the conservation area consent was also recommended for refusal as it would felt this would create an unsightly piece of land. For the reasons set out in both reports the applications were recommended for refusal.

Public Speakers and Questions

- (5) Mr Gowan spoke in objection to the application in his capacity a local resident. He explained he was one of fifteen residents in the immediate vicinity who had objected to the application. Mr Gowan also expressed his view that the application was contrary to policy EM6 and this should have also formed part of the reasons for refusal in the report.
- (6) In response to a query from Councillor Hyde Mr Gowan confirmed that his property shared a boundary with the site. He also clarified that his main objections reflected the five reasons the application had been recommended for refusal outlined in the report.
- (7) Mr Wojtulewski spoke in support of the application as the agent for the applicant. He said that Officers had accepted that the loss of employment was not contrary to policy. The application site was in a conservation area and it was important that scheme strike the right balance, and it was his view that this had been achieved through the application; the vast majority of the proposals were over 3 metres away from the boundary of the site; there was no concern in relation to the size of the gardens and there was already a variety of building styles in the area. Mr Wojtulewski explained that further requests to vary the application had been refused, and it was his view that contrary advice had been given by the Council in relation to design. It was also highlighted that the adjoining property was in support of this use of the site.

- (8) In response to a query from Councillor Bowden it was clarified that the contrary advice dated back to 2010 and had been in relation to the handing of the two properties. Officers clarified that this advice had related to a previous scheme and each scheme had varied complexities and issues.
- (9) The applicant clarified the adjoining property was the only one in the immediate vicinity that supported the application.
- (10) Councillor Carol Theobald asked how this scheme varied from the previous one which had been refused, and it was explained that the scheme was now for two 2 bedroom properties, rather than 3 bedrooms; the site had now been marketed to address policy EM6, and changes had been made to the design.

Questions for Officers

- (11) Councillor Hyde asked for more detail in relation to the layout of the proposed properties. This was clarified and Officers went on to explain that they had strong concerns in relation to overdevelopment of the site and the contrived nature of the design which was felt to be an attempt to fit too much onto the site. The Head of Development Control clarified that the Council had no policy in relation to unit size, but a combination of factors had drawn Officers to the conclusion that the proposals constituted overdevelopment.
- (12) In response to a query from Councillor Wells it was explained that although the amenity space of the adjoining property was small this was not typical of the immediate area where properties generally had much larger gardens.
- (13) Councillor Mac Cafferty asked about the objector's concerns in relation to the loss of employment, and Officers explained that given the 11 months of marketing and lack of comparable sites the loss was considered acceptable.
- (14) Councillor Sykes stated his view that the properties looked similar in size to the existing ones on the street. Officers highlighted that they felt the proposals did not achieve lifetime homes standards and cited the low head height on the second floor.
- (15) Councillor Bowden asked if it was now the case that the site had been marketed for over 12 months; and in response it was confirmed that Officers had accepted the use of the plot for residential development, but felt the proposed scheme was overdevelopment of the site.

Debate and Decision Making Process

- (16) Councillor Carol Theobald stated her view that the site would better accommodate a single property, and it was important that applications in conservation areas be of the highest standard. For these reasons she supported the Officer recommendation. Councillor Wells echoed these comments and said the site could support one good sized family home.
- (17) Councillor Hyde noted she was pleased a design had been submitted that was in-keeping with the general street scene.

- (18) Mr Breckell explained that CAG had objected on the grounds of overdevelopment and the size of the room in the second floor roof space; however, he noted that CAG were not against the principle of a residential development on the site.
- (19) Councillor Phillips noted that the application would be better if it were for one property on the site.
- (20) A vote was taken and the 12 Members present unanimously agreed that planning permission be refused.

45.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason set out below.

- i. Cumulatively, the proposed development of two three bedroom houses with accommodation split over three floors, and the substandard living accommodation particularly at second floor level, represents a scheme which is an overdevelopment of the site. Furthermore the site is of a relatively small size, awkward shape, and is surrounded by residential properties in close proximity which would be adversely impacted. The scheme is therefore contrary to policies HO4, QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan.
- ii. The proposed houses, by reason of their siting, height, design and massing, would be detrimental to the amenities of adjoining and nearby residential occupiers by having an overbearing and enclosing impact. The scheme is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
- iii. The proposed western dwelling has an asymmetrical roof form which would form an inappropriate prominent feature in the street scene. The proposed dwellings are intended to replicate the traditional features and detailing of surrounding dwellings. It is considered that the dwellings fail to achieve this aim to a high standard and that the development as a whole would fail to preserve or enhance the character of the West Hill Conservation Area. The scheme is therefore contrary to policies HE6, QD1 and QD2 of the Brighton & Hove Local Plan.
- iv. The proposed development would provide an unsatisfactory standard of residential accommodation for the future occupiers due to cramped rooms and layout throughout, and roof level accommodation which would be dictated by roof pitches that reduce the amount of usable floor area, again providing cramped accommodation. The scheme is therefore contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.
- v. The proposed house layouts do not comply with Lifetime Homes Standards and the layouts could not be easily adapted to meet such standards. The proposal is therefore contrary to Policy HO13 of the Brighton & Hove Local Plan and the criteria set out in Planning Advisory Note 03: Accessible housing and Lifetime Homes.

D. BH2012/00298 - 26A West Hill Road

- (1) Demolition of existing redundant buildings.

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

(3) A vote was taken and the 12 Members present unanimously agreed that conservation area consent be refused.

45.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason set out below.

- i. In the absence of an acceptable replacement scheme for the site, the demolition of the existing buildings would result in the creation of an unsightly area of land that would be detrimental to the character and appearance of the West Hill Conservation Area, contrary to policy HE8 of the Brighton & Hove Local Plan.

E. BH2012/01583 - Land Rear of 67 to 81 Princes Road

(1) Application to extend time limit for implementation of previous approval BH2009/00847 for the construction of 4no. two storey, two bedroom terraced houses with pitched roofs, solar panels and rooflights. Provision of private and communal gardens, waste and refuse facilities and erection of a street level lift gate-house with cycle store.

(2) A vote was taken and the 12 Members present unanimously agreed that planning permission be granted.

45.5 **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.

F. BH2012/01392 - 41A Port Hall Road

(1) Creation of roof terrace on existing flat roof (Part retrospective).

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

(3) The Area Planning Manager (East) introduced this report and gave a presentation by reference to photographs and plans. The application site related to a converted end of terrace at the north end of Port Hall Road; the existing flat roof had been converted into a roof terrace, and planning permission was being sought, part retrospectively, following a refusal for a similar scheme in March 2009. The terrace had been constructed from timber and was considered to be out of keeping with the character of the building, and in an attempt to resolve the application sought to replace to existing wooden balustrade with a steel one, and it was proposed a 1.45 metre obscurely glazed screen be erected. A similar terrace had been erected at no 39; however, there was no planning history for this terrace and therefore it was not considered to set a precedent in the area. In relation to amenity, the scheme would detract from the privacy of surrounding properties, and this would be intensified by the degree of mutual

overlooking, and this would be unacceptable. The application was recommended for refusal for the reasons outlined in the report.

Public Speakers and Questions

- (4) Mr Hill spoke in support of the application in his capacity as the applicant. He stated that the property was a family home and the terrace had been erected to allow his child to have access to a small area of outside space. Before undertaking any work he had spoken with residents of the neighbouring properties and they had confirmed that there was no objection to the scheme; it was Mr Hill's view that the overlooking would be minimal, and on the other side of the road there were several similar developments. Mr Hill felt the design was appropriate and the terrace made excellent use of the space.
- (5) Councillor Hawtree asked about a telephone cable that currently stretched across the site, and it was explained that that British Telecom would be able to remove this.

Questions for Officers

- (6) In response to queries from Councillors Cobb and Bowden it was explained that precedent could be drawn from similar sites with approval, although each site would have to be considered on its own characteristics. It was confirmed the terrace at no 39 did not have a planning history and therefore did not set a precedent. Councillor Sykes expressed concern that there was inconsistency in what could set precedent, but Officers confirmed that this was due to the historic nature of works, and changes to Council policy over time.
- (7) The Head of Development Control also noted that issues in relation to access were matters for Building Control and went on to explain that the Committee had a duty to consider amenity regardless of whether there were objections from neighbouring properties.

Debate and Decision Making Process

- (8) Councillor Mac Cafferty stated that, having heard from the applicant, he did not feel the impact on amenity was so significant to warrant refusal and for these reasons he would be voting against the Officer recommendation. Councillors Phillips and Bowden both echoed these comments.
- (9) Councillor Hyde noted that the surrounding gardens were already overlooked by the roof windows and she would be voting against the Officer recommendation. She also noted that the Committee could give weight to the personal circumstances.
- (10) Councillor Carden noted he would be voting against the Officer recommendation as similar terraces already existing in this street.
- (11) The Senior Solicitor confirmed that in exceptional cases personal circumstances were capable of being material planning considerations, but they would have to be weighed against the other material planning considerations.

(12) A vote was taken and planning permission was granted on a vote of 10 in favour with 2 abstentions. A recorded vote was then taken with the reasons for approval and Councillors Hyde, Carden, Cobb, Gilbey, Mac Cafferty, Carol Theobald, Wells, Bowden, Phillips and Sykes voted that the application be approved, and Councillors Hawtree and Hamilton abstained from the vote.

45.6 **RESOLVED** – That the Committee has taken the Officer recommendation to refuse planning permission into consideration but resolves to **GRANT** planning permission for the reason set out below and attach the following informatives.

- i. The roof terrace is well designed and has limited impact on amenity and is thus in accordance with policies QD14 and QD27 of the Brighton and Hove Local Plan 2005.

Conditions:

- i. The scheme to be implemented and completed in accordance with the submitted details within 6 months of the date of the planning permission

G. BH2012/01712 - 19 Chalkland Rise

- (1) Removal of existing conservatory and chimney breast and erection of combined ground floor and roof extension to rear incorporating loft conversion to provide 3no bedrooms, rear dormer and barn end extension to side creating a chalet bungalow. Installation of 3no rooflights to front elevation.
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Area Planning Manager (East) introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application sought the removal of the existing conservatory to the rear and the chimney, and an extension to the rear and a loft conversion to provide three bedrooms; a previous application that had been refused under delegated powers earlier in the year was outlined in the report. It was felt that the proposed extension to the property would add further bulk and the original form and character of the property would be lost; the proposed dormers did not relate well to the existing fenestration. The proposed extension was similar to what had been achieved at the neighbouring property, and the proposed dormer would face the rear garden and was not judged to create a loss of amenity. The proposal would; however, add significant length to the building, be overbearing and create a sense of exposure. Whilst it was accepted that the neighbouring windows were already blocked the scheme would create an increased loss of light. The application was recommended for refusal for the reasons set out in the report.

Public Speakers and Questions

- (4) Councillor Simson spoke in her capacity as local Ward Councillor and explained that she did not believe there would be a significant loss of amenity to the neighbouring property. The road was varied in terms of the arrangements of housing, and if approved this application would have little impact on the street scene. The applicant had been in discussion with both sets of neighbours who had raised no objection to the

scheme, and the proposals would fit in well with what had been achieved at the adjoining property creating a more balanced finish. The applicant was seeking to achieve a reasonable sized extension to accommodate his young family.

- (5) Mr Lloyd spoke in his capacity as the applicant and explained that the photographs in the presentation demonstrated there would be little impact of the light to the neighbouring property. He noted that the proposals were very similar to what had been achieved at the adjoining at the neighbouring property and the extension was to better accommodate his family. The properties were varied on the street, and it was felt that the extension next door had set an acceptable precedent for this kind of scheme.

Questions for Officers

- (6) In response to a query from Councillor Hyde it was confirmed that the works to the adjoining had been undertaken and approved under Permitted Development rights.
- (7) Councillor Wells asked about the size of the footprint compared with that of the adjoining property, and it was clarified that it would be of a similar size. In response to a further query it was explained that the principle concern for Officers was the rear dormer.
- (8) Councillor Sykes asked how this application varied from the previous refusal, and it was explained that the changes related to the removal of a proposed window to the side of the building and a reconfiguration of the roof layout.
- (9) In response to a question from Councillor Bowden it was confirmed that letters of support had been received from the neighbouring property at number 17.

Debate and Decision Making Process

- (10) Councillor Bowden explained that he agreed with the comments made by the Local Ward Councillor and would be voting against the Officer recommendation.
- (11) Councillor Mac Cafferty explained that, having heard from the applicant, he felt the proposal would be preferable to the current arrangement and would be voting against the Officer recommendation.
- (12) Councillor Wells noted that he knew the road which varied in its street scene, and he felt there would not be a significant loss of light; therefore, he would be voting against the Officer recommendation.
- (13) Councillor Hyde explained her view that the proposals were better than what could be achieved through Permitted Development rights, and the application would help balance the property with the neighbouring one.
- (14) Before a vote was taken the Head of Development Control clarified the rear projection of the building.
- (15) A vote was taken and planning permission was granted on a vote of 11 in favour with 1 abstention. A recorded vote was then taken with the reasons for approval and

Councillors Hyde, Carden, Cobb, Gilbey, Hamilton, Mac Cafferty, Carol Theobald, Wells, Bowden, Phillips and Sykes voted that the application be approved, and Councillor Hawtree abstained from the vote.

45.7 **RESOLVED** – That the Committee has taken the Officer recommendation to refuse planning permission into consideration but resolves to **GRANT** planning permission for the reason set out below and attach the following informatives.

- i. The design of the proposed development is an improvement on the existing and gives balance to the pair of semi-detached properties. The loss of light is not so significant as to warrant refusal of the application

Conditions:

- i. Implementation within three years of grant of consent.
- ii. Materials to match existing.

H. BH2012/01358 - 8 & 8A Western Street

- (1) Change of use from ground floor retail (A1) and first and second floor maisonette to consulting rooms (D1).
- (2) The Senior Team Planner, Steve Walker, introduced the application and gave a presentation by reference to photographs and plans. The site was currently laid out as a retail premises on the ground floor with basement storage and a separately access maisonette above. The application sought a change of use for the whole building to D1 consulting rooms for the Rock Clinic, and this would create 2 part-time (equivalent to 1 full-time) position. The main concern related to the loss of the residential unit, and the applicant had failed to justify this loss in line with Council policy and criteria. In relation to the change of use it was explained that the premises had only been advertised as a whole unit, including the maisonette, and not as a single retail unit. No external alterations were proposed to the property; however, there was concern in relation to the use of the terrace on the first floor and potential overlooking of a piece of land to the rear was had use associated with properties in Golden Lane. It was felt there would be an increase in traffic, but this increase did not raise specific concerns, and the applicant had been asked to outline measures to reduce the use of energy and water. It was felt there were not sufficient exceptional reasons to justify the loss of the residential accommodation, and the property had not been marketed properly to demonstrate the redundancy of the retail unit. The application was recommended for refusal for the reasons set out in the report.

Public Speakers and Questions

- (3) Mr Gamper spoke in objection to the application as a local resident and on behalf of other residents who objected to the application. He stated that the property was built as residential accommodation and local residents had concerns in relation to noise from the potential number of clients and staff using the premises. Mr Gamper noted that refusal was backed up by details in the City Plan, and there was concern that, if granted, this application could set a precedent in the local area.

- (4) In response to a query from Councillor Bowden it was explained that the number of users of the previous retail unit had been small.
- (5) Mr and Mrs Withers spoke in support of the application in their capacity as the applicants. They stated that the primary reasons for the recommendation to refuse related to noise and disruption. In relation to the marketing of the property they noted that this was not been undertaken by them, but rather the vender, and it was difficult for them to comment on this. They had been looking for a suitable property for over 12 months and this was the only appropriate one they had been able to find. The applicants referenced the National Planning Policy Framework (NPPF) to support their application, and argued that the application constituted 'sustainable development'.

Questions for Officers

- (6) In response to a query from Councillor Bowden it was clarified that the maisonette was currently occupied, and the Council would have preferred that the retail and the residential units be marketed separately, as the two different uses were not dependent.
- (7) Councillor Carol Theobald asked if a condition could be attached in relation to soundproofing, and it was explained that that this would fall into the remit of Building Control, but the Committee could be minded to attached an informative to this effect.
- (8) Councillor Bowden asked a specific question in relation to the terraces at the rear of the property; in response it was highlighted that there was no application to extend the terraces, but Officers needed to give consideration to how a premises might expand in future; the report contained further details on how the impact of amenity could be managed.
- (9) In response to a query from Councillor Sykes it was explained that the loss of residential accommodation was not deemed acceptable as the applicant had failed to demonstrate the change met the necessary criteria.
- (10) In relation to the points raised by the applicant from the NPPF Officers explained that they had to consider all necessary and relevant policy in making recommendations rather than specifically focus on policy which argued the case either for or against approval of a scheme.
- (11) At this point Councillor Cobb noted that she worked as a complementary therapist, but in consultation with the Senior Lawyer she stated she considered herself to be of an open mind in relation to this matter and would remain present for the rest of the discussion and vote on this application.

Debate and Decision Making Process

- (12) Councillor Hyde noted her view that there would be little commercial interest in the retail premises, and she said that the application would provide jobs to the city; she concluded by stating she was currently of an undecided mind.

- (13) Councillor Carol Theobald noted there could be problems with the parking, but she welcomed the additional employment for the city. She expressed her concerns in relation to noise, and that sound proofing would be appropriate.
- (14) Councillor Cobb noted that there were instances where business units were changed to retail units, and there was a degree of balance such that she would be voting against the Officer recommendation.
- (15) A vote was taken and planning permission was granted on a vote of 6 in favour and 5 against with 1 abstention. A recorded vote was then taken with the reasons for approval and Councillors Cobb, Carol Theobald, Wells, Bowden, Phillips and Sykes voted that the application be granted, Councillors Hawtree, Carden, Gilbey, Hamilton and Mac Cafferty voted that the application be refused and Councillor Hyde abstained from the vote.

45.8 **RESOLVED** – That the Committee has taken the Officer recommendation to refuse planning permission into consideration but resolves to be **MINDED TO GRANT** planning permission for the reason set out below subject to conditions to be finalised by the Head of Development Control and agreed in consultation with the Chair and Deputy Chair of Planning Committee for the following reasons.

- i. The proposed development is in a good location, is economically viable and would sustain employment. It would not be detrimental to the surrounding area and would not cause material loss of amenity to adjoining occupiers. The proposed development complies with policies SR18, HO8, HO19 and QD27 of the Brighton and Hove Local Plan 2005.

I. BH2012/01794 - 2-6 Pembroke Crescent

45.9 This application was withdrawn from the agenda.

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

46.1 There were none.

47. APPEAL DECISIONS

47.1 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.

48. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

49. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

50. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

51.1 **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.]

The meeting concluded at 5.45pm

Signed

Chair

Dated this

day of

