

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 APRIL 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Cobb, Hamilton, Kennedy, McCaffery, Smart, Steedman and C Theobald

Co-opted Members Mr J Small (CAG Representative)

Officers in attendance: Jeanette Walsh (Head of Development Control), Hamish Walke (Interim Area Planning Manager (East)), Zachary Ellwood (Interim Area Planning Manager (West)), Alison Gatherer (Lawyer), Jane Clarke (Senior Democratic Services Officer)

PART ONE

246. PROCEDURAL BUSINESS

246a Declaration of Substitutes

246.1 Councillor Randal declared that he was substituting for Councillor Davey.

246b Declarations of Interest

246.2 There were none.

246c Exclusion of the Press and Public

246.3 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.

246.4 **RESOLVED** – That the public be not excluded from the meeting during consideration of any item appearing on the agenda.

247. MINUTES OF THE PREVIOUS MEETING

247.1 **RESOLVED** – That the Chairman be authorised to sign the minutes as a correct record with the following amendment to paragraph 243.11 as follows:

“RESOLVED – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 5 of the report and resolves *to grant* planning permission subject to the conditions and informatives set out in the report and as amended below”.

248. CHAIRMAN'S COMMUNICATIONS

248.1 There were none.

249. PETITIONS

249.1 There were none.

250. PUBLIC QUESTIONS

250.1 There were none.

251. DEPUTATIONS

251.1 There were none.

252. WRITTEN QUESTIONS FROM COUNCILLORS

252.1 There were none.

253. LETTERS FROM COUNCILLORS

253.1 There were none.

254. NOTICES OF MOTION REFERRED FROM COUNCIL

254.1 There were none.

255. APPEAL DECISIONS

255.1 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.

256. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

257. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

257.1 The Committee noted the information set out in the agenda relating to Informal Hearings and Public Inquiries.

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

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

| Application: | Site Visit Requested By: |
|---|---------------------------------|
| BH2010/00235, Varley Hall Residences, Coldean | Development Control Manager |
| BH2009/03156, Wellsbourne Centre, Whitehawk | Development Control Manager |

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

(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM POLICY

A. Application BH2009/03154, Gala Bingo Hall & Adjacent Car Park, 193 Portland Road – Demolition of existing building. Redevelopment of site to provide new GP surgery at part ground floor level and part first floor level, new D1/D2 unit at ground level and 35 residential units above in part 2, 3, 4, and 5 storey building to include 14 affordable units. Provision of surface parking for 18 cars, cycle parking and landscaping.

(1) The Interim Area Planning Manager (West), Mr Ellwood, gave a presentation and highlighted the details of the application. He noted that late representations had been received about the scheme but felt that the issues raised were fully addressed in the report. The Environmental Health Team had requested that a construction and environmental management plan should be secured through a S106 agreement, and he confirmed that this was one of the Heads of Terms agreed with the applicant. One issue of objection was not dealt with in the report, regarding policy TR11 which dealt with safe routes to schools, but following clarification from the Road Safety Team it was apparent that the school opposite the site was not within a proposed or existing safe route to schools safety zone, and therefore the policy was not applicable to this school.

(2) Ms Singh spoke in objection to the application and stated that the proposals were an overdevelopment of the site. There was massive local opposition to what was a low quality development and local residents were concerned that the scheme provided no safe outside space, small flats and a lack of views for the new residents. The development would generate a large increase in traffic in the area, jeopardising the nearby school and adding to the already existing traffic problems in the area. Parking requirements for the development had been ignored and would exacerbate pre-

existing parking problems. The scheme would add to the social inequalities already experienced by the area and there was no evidence to suggest that the PCT wanted to use the surgery that would be provided on site.

- (3) Councillor Cobb asked for more details on the parking problems in the area, and Ms Singh replied that the problems were most acute when parents were dropping children off or picking them up from the school. There were issues of blocking and double parking, and several instances of parking rage. However, competition for parking spaces along the road was always high and this scheme would exacerbate this problem.
- (4) Ms Ferguson, Regional Development Director for Downland Housing Association spoke in favour of the application and stated that the aspiration was to provide new, sustainable homes for the community. The application had gone through an appeal process, and the scheme changed to adhere to the requirements of the Planning Inspector. There had been a reduction in height of the scheme, the size and proportion of the garden changed and larger roof gardens created. More efficient use of parking spaces had been utilised and dormer windows fitted to regularise views. An improved outlook onto Marmion Road had been created to increase daylight for residents. Ms Ferguson added that the Inspector had not criticised the scheme with regard to parking and believed that the affordable housing and community use of the site was supported by local residents, planning officers and traders on Marmion Road.
- (5) Councillor Smart asked whether there were any surgeries waiting to use the community provision and Ms Ferguson replied that surgeries were not able to sign up to any scheme until planning permission was in place. The developers were still talking to the PCT however and she was confident that two GPs surgeries were interested in the provision.
- (6) Councillor Smart asked if there was enough room for bespoke parking spaces on the carriageway as well as a bus stop and Ms Ferguson replied that there was.
- (7) Councillor Steedman asked why the scheme had not met Level Four sustainability standards. Ms Ferguson said that the developers had tried as far as possible to achieve this, but due to the orientation and roof space of the development there was no space for extra photovoltaic cells, and therefore Level Four could not be completely achieved.
- (8) Councillor Caulfield asked what alternatives there were for the community facility if it was not wanted by the PCT. Ms Ferguson replied that the PCT was very willing to work with the developers, and the community wanted a surgery in the area.
- (9) Councillor Cobb asked where the car showroom, which was currently using the site, would be relocated. Ms Ferguson replied that this was a business decision and would be up to the showroom owners.
- (10) Councillor Kemble spoke against the application as Ward Councillor, and stated that whilst he was in support of a well thought-out, positive development for the community, and whilst the developers had worked hard to achieve this, he did not

believe that this development achieved this. He was concerned with the height, scale and density of the scheme, and the lack of commitment from the PCT to the community element. There were traffic problems around school drop off and pick up times and he was not sure a GP surgery was the right use for this area. There was very strong local objection to this scheme and he asked the Committee to reject the application.

Questions/Matters on Which Clarification was Sought

- (11) Councillor Steedman noted that the sustainability policy had recently changed and asked why this application was not meeting the highest standards of SPD08. Mr Ellwood explained that the non residential elements of the scheme would meet BREAM “excellent”, as would the disability units. At the time the scheme was originally planned, the requirements were lower. The scheme met Level Three, however new sustainability measures had been introduced to meet Level Four. Whilst this was not quite achieved, Mr Ellwood was confident that the applicants had done all they could to reach level four within the constraints of the development and the financial viability of the scheme.
- (12) Councillor Steedman asked about the financial viability of the scheme as it did not meet level four and Mr Ellwood stated that whilst SPD08 was adopted guidance of the Council, it did not form part of the policy, and the policy did not refer specifically to Level Four requirements, therefore it was not essential that the applicants reach this level.
- (13) Councillor Wells asked whether there was any guarantee that the PCT would use the proposed GP surgery facilities. Mr Ellwood replied that the PCT would not sign up to any scheme without planning permission, however the scheme did receive general support from the PCT and from local residents. A GPs surgery on the site was part of the planning permission and would have to be provided by the applicant. If this surgery was not taken up by the PCT, the applicants would have to put in another planning application to change the use of this part of the scheme.
- (14) Councillor Caulfield noted that the Planning Inspector was not satisfied with the previous application for this site and was concerned about the loss of community space. She added that there was no guarantee that the GPs surgery would be taken up and asked what guarantees could the Council give that this part of the scheme would be retained for community use. She also raised concern over the size of the units. Mr Ellwood replied that there was no guarantee that a GPs surgery would be used here, but added that condition 13 tied this part of the scheme into medical use. He stated that as the decision makers, the Committee could decide what was most appropriate for this part of the scheme if a GPs surgery was not secured, and could retain it for other community use. He ran through comparisons of unit sizes between affordable and market units and noted there was very little difference between the sizes. Councillor Caulfield asked if condition 13 could be fulfilled before any other part of the scheme was built and Mr Ellwood suggested that this could be put forward as a motion if the scheme was approved.
- (15) Councillor Randall asked about the housing mix in the scheme as it appeared to be a compromise on the number of three bedroom units in the scheme. The Housing

Officer responded by highlighting the percentage mix of units and felt the mix was similar to the suggested guidelines from the Council. There was a slight shortfall in three bedroom units, but believed this was acceptable.

- (16) Councillor Cobb asked about the affordable housing policy and whether the housing mix should be up to 40% affordable housing or whether it should be at least 40% affordable housing. The Head of Development Control, Mrs Walsh, responded by reading the policy to the Committee, which stated where there was 10 or more units on site, the Council would negotiate with developers to secure 40% affordable housing.
- (17) Councillor Cobb asked whether the new development would have a larger footprint than the current development. Mr Ellwood agreed that it would be a slight increase in footprint size.
- (18) Councillor Cobb asked if the balconies overhung public areas, and whether the scheme met Lifetime Homes Standards as there was a lack of parking space. Mr Ellwood replied that policy H013 required Lifetime Homes Standards were met and condition 5 of the planning permission would ensure compliance with this. He added that there would be some oversailing of balconies onto the public highway, and a licence from the Council would be needed for this.
- (19) Mr Small from CAG asked for details about the northern boundary treatments. Mr Ellwood replied that there were no details yet available but would be part of the landscaping scheme agreed with officers.
- (20) Councillor Wells asked about the condition dealing with the drainage system on site. Mr Ellwood stated that following consultation, and concerns raised about drainage in the area, a report was required from the developers about how this would be dealt with and was made a specific condition to compensate for the lack of existing capacity in the network.
- (21) Councillor Theobald asked about parking provision on site and the Traffic Manager, Mr Tulson replied that there had been a parking study carried out by the applicants that showed the parking requirements for the site was adequately provided for.
- (22) Councillor Smart asked how far a reasonable distance was considered for parking on-street near to the development. Mr Tulson did not have the figures to hand but would respond to Councillor Smart's question.
- (23) Councillor Hamilton asked whether the parking in the area was pay to park. Mr Tulson replied that it was and that able-bodied patients would need to pay to park if attending the surgery.

Debate and Decision Making Process

- (24) Councillor Wells was concerned about the lack of guarantees from the PCT with regard to the community use element of the scheme. He was very concerned that if this failed, the scheme would come back to Committee with proposals for more flats in the community element, and this would then be a facility that was lost for the

community. He was not convinced the flats were fit for purpose and he would prefer to see family units on the site, given the housing problems in the city.

- (25) Councillor Theobald felt the scheme had improved since the last proposals, but not quite enough. She felt the scheme was still high and bulky and there was a continuing problem with parking provision. Parking was already difficult in the area. She agreed that there should be more family units and felt the site was overdeveloped.
- (26) Councillor Caulfield recognised that the Housing Team supported the application but felt that it would greatly affect the amenity of residents. Proper family housing would be more desirable on this site, and whilst there was some green space for new residents, this was not enough for families. The entire transport system around the area would be affected adversely and she did not believe the scheme had been properly thought-out.
- (27) Councillor Smart felt there was a need for housing in this area, which the scheme provided, but there was also a need to resolve the existing traffic problems, which the scheme would contribute to. He was concerned the PCT had not committed to the development and worried about the alternative uses for the site, which might not be appropriate.
- (28) Ms Walsh addressed the Committee and stated that whilst there was concern expressed about the end-user of the site, it was not unusual for the PCT to not commit to projects until all permission had been granted. Condition 13 of the planning permission would secure the use of the site and any change would be required to come back to the Planning Committee. In addition there were policies to protect the usage on site. The recent appeals process had considered many of the points that Members were raising and Officers were confident that these were dealt with in the report.
- (29) Mr Ellwood added that the overall density of the scheme had been reduced, although the Inspector had no issues with this. The quality and size of the units were conditioned to meet Lifetimes Homes Standards and the overall mix of units was considered to be acceptable. Again the Inspector looked at the quality of the units and felt they were sufficient in size.
- (30) Councillor Randall asked from where the perceived need for a GP surgery was derived. Mr Ellwood replied that the loss of the Bingo Hall needed to be compensated for under policy HO20. There was already D1 usage on site, and this was part of the considerations. The developers felt that a GP surgery was the most viable provision for this site. Ms Walsh highlighted that the PCT had commented on this in the report.
- (31) Councillor Caulfield was concerned that the PCT did not want to use the site and felt that this would not be progressed if the housing unit element was built first. She believed that the surgery issue needed to be resolved before the flats were built on the site. The Solicitor to the Committee, Ms Gatherer, asked Councillor Caulfield for clarification of what she was requesting and Councillor Caulfield asked for confirmation from the PCT that they would use the site before any work commenced

on site. Ms Walsh replied that it would fail the test of a reasonable condition to do this, and she felt it was adequately covered by the existing condition 13.

- (32) Councillor Caulfield asked how condition 13 would be met if no GP surgery wanted the development once it was finished. Mr Ellwood stated that planning laws could not guarantee an end user for a development, but the Committee could require that the entire development was finished before occupation of the residential units took place. Mrs Walsh added that the site was also protected by policy for community use. It was a windfall scheme because it also provided housing, but the site was guaranteed as community use under the existing policies of the Council.
- (33) A vote was taken and on a vote of 4 for, 0 against and 8 abstentions, Minded to Grant planning permission was refused.

259.1 **RESOLVED** – That Minded to Grant planning permission is refused for the reasons that:

1. The proposed development by reason of its arrangement and design would result in unacceptable levels of overlooking and loss of outlook, notwithstanding partial obscure glazing and the provision of privacy screens. The proposal is therefore contrary to Policy QD27 of the adopted Brighton & Hove Local Plan.
2. The proposed development by reason of its site coverage, massing and intensity of use would result in a development that fails to respond to its context and the housing needs of the City. The proposal is therefore contrary to policies HO4 and HO3 of the adopted Brighton & Hove Local Plan 2005.
3. The applicant has failed to demonstrate that the scheme has taken into account and provided mitigation for the cumulative travel demand created by the development, especially at peak times of activity in the area. Contrary to policy TR7 of the adopted Brighton & Hove Local Plan.

Note 1: Councillor Caulfield proposed that planning permission be refused on the grounds set out above, and this was seconded by Councillor Cobb. A recorded vote was then taken and on a vote of 4 for, 0 against and 8 abstentions, planning permission was refused.

Note 2: Councillors Caulfield, Cobb, Hamilton and Theobald voted for refusal and Councillors Hyde, Carden, Randall, Kennedy, McCaffery, Smart, Steedman and Wells abstained from voting.

(ii) **MINOR APPLICATIONS**

B. Application BH2010/00258, Land adjacent to Surrenden Holt – Construction of one and two storey residential dwellings.

- (1) The Interim Area Planning Manager (West), Mr Ellwood gave a presentation and highlighted the elements of the scheme. It was believed that the scheme would invade the special quality of the road and adversely affect the character of the area. The window to window relationship with the other houses was also not considered acceptable.

- (2) Dr Harrison, a local resident, spoke against the application and stated that it did not have support in the local area. Whilst he sympathised with the ecology and disability aspects of the scheme, felt this was the wrong project in the wrong area. Dr Harrison objected to the detail and extent of the building, the defoliation of the plot and the despoliation of an attractive area of Brighton. The felling of trees on the site was against the statements within the application. The key issues were that the application was outside of the natural building line for Surrenden Road, would create an unbalanced entrance on Surrenden Holt, and went against the character of the buildings already in the area. There was a serious loss of amenity for neighbours and a loss of privacy for the nearest residents.
- (3) Mr Harding, architect for the applicant, spoke in favour of the application and stated that the intention was to provide a high quality contemporary house with disability access and sustainability features. He believed the house respected the space and character of Surrenden Holt and as the building was dug in by one storey and stepped back, would create minimal overlooking for neighbours. The outlook for the house was focussed on the internal courtyard and there would be planting to break up the elevation. The building did not compete with existing buildings in the area and had been carefully designed to take regard of the comments from planning officers to ensure it would integrate into the local area. Mr Harding was unsure why the application was now recommended for refusal as he believed the design had sufficiently deal with all of the objections.
- (4) Councillor McCaffery asked why the design was not in-keeping with the area and Mr Harding replied that the design was to achieve the greatest volume for a family home that would not over-dominate the existing buildings on the street.
- (5) Councillor Smart asked why trees had been removed from the site and Mr Harding replied that the tree in question had in fact been diseased and the applicants had been instructed to remove it by the Council for safety reasons.
- (6) Councillor K Norman as Ward Councillor spoke against the application and stated that he did not object to the development, but did not feel it was in the right area. The building would break the natural line of the street and have a significant visual impact. Councillor K Norman was concerned about the loss of the garden and whilst he appreciated there would be no impact to traffic in the area, the development was out of character and incongruous and was not suitable for this area.

Questions/Matters on which Clarification was Sought

- (7) Councillor Theobald asked if the existing bus stop would have to be relocated if the application was approved and Mr Ellwood replied that it would not. Mrs Walsh reminded Members that the removal of the tree was not a material planning consideration.

Debate and Decision Making Process

- (8) Councillor McCaffery noted that the lower ground floor element of the scheme was obscured and had no objections to the building or its intrusiveness, but she did have concerns about the design in this particular area.
- (9) Councillor Theobald felt the design looked out of place and was in a prominent position on the road. She also believed there was very little amenity space left for the new occupiers.
- (10) A vote was taken and the Committee unanimously decided to refuse planning permission.

259.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 1 of the report and resolves to refuse planning permission for the reasons and informatives set out in the report.

C. Application BH2009/02158, Land rear of 11 Longhill Road, Ovingdean –
Erection of detached 2 storey, 4 bed dwelling.

- (1) The Interim Area Planning Manager (East), Mr Walke, gave a presentation to the Committee, detailing the elements of the scheme. He noted that a very similar scheme had previously been approved, but the applicant was not able to begin work before the planning permission lapsed. There had been seventeen letters of local objection, but the principle of development had been established on site. He noted that there would be some overshadowing of 53 Ainsworth Avenue, however this was minimal, and number 53 was responsible for overshadowing most of its own garden during the day.
- (2) Mr Kendall, a local resident, spoke against the application and noted that two small bungalows had previously refused on the site and this had been upheld at appeal as the plot was too small. He believed the previously granted planning permission was inconsistent with the planning history on site and a 3 bed house was not appropriate in this space. He felt that a small bungalow would be more appropriate. Mr Kendall felt that large rear gardens and open space was a feature of the local area, which this development did not have, and highlighted that Council's were able to resist development on gardens and open space as new guidelines from the government supported this. He believed the development would be incongruous in a semi-rural street scene.
- (3) Mr Theobald, the agent, spoke in favour of the application and stated that the building was the exact size of the previously granted application. The Longhill area had several different designs and styles and suited unique developments. The site had been cleared in preparation for development with the previous permission, but this permission had lapsed before the applicant was ready to commence work. A metal roof had originally been proposed but this had been changed to a green roof to gain greater environmental benefits. The maintenance of this roof would be minimal. The development would have several sustainable features including better solar power, rain water harvesting and better insulation.

- (4) Councillor Cobb asked if any overshadowing studies had been conducted and whether the hedgerow would remain. Mr Theobald replied that the intention was always to remove the hedgerow at the rear part of the site. He had not conducted light studies.
- (5) Councillor Smart asked for details about the green roof and Mr Theobald stated there would be a white surround to hold in the roof and prevent it from slipping.
- (6) Councillor Smart asked what the difference was between a green and a brown roof and Mr Walke replied that brown roofs were more bio-diverse than green roofs, which were just formed of grass. Mrs Walsh stated that an SPD on Biodiversity was available and would be sent round to Members.

Questions/Matters on Which Clarification was Sought

- (7) Councillor Caulfield asked what materials were used on the balconies. Mr Walke replied that they were white render and oak balustrades. A green roof was incorporated with solar panels.
- (8) Councillor Theobald asked where the fourth bedroom was situated and Mr Walke replied that there were two bedrooms on the first floor and two on the ground floor.
- (9) Councillor Cobb asked if there was a high impact of overshadowing on number 53. Mr Walke replied that whilst no daylight/sunlight study had been conducted, it was evident that number 53 overshadowed its own garden for most of the day. There would be some extra overshadowing from this development, but the 45 degree rule had been used which gave measurements for overshadowing. If a development was under this line, as this one was, then the overshadowing was considered acceptable.
- (10) Councillor Hamilton asked if the 45 degree line took into account already existing overshadowing of a property and Mr Walke replied it did not. He stated that an application could not be refused because a neighbouring garden was already in shadow.
- (11) Councillor Hamilton noted that a late representation had come in referring to government guidance on "garden grabbing". Mrs Walsh stated that this representation could not be considered as the Officers and applicant had not had time to consider the arguments fairly or properly.
- (12) Councillor Smart asked if there were any other green roofs in the area and Mr Walke replied that he was not aware of any, but it had been approved by Officers as an improvement on the proposed metal roof.
- (13) Mr Small asked questions about the maintenance of the green roof and Mr Walke stated that conditions on the planning permission ensured that the roof would be maintained. Such roofs were typically low-maintenance. He added that the condition could be strengthened to ensure this.

Debate and Decision Making Process

- (14) Councillor Wells felt the house was incongruous in the local area and he would have preferred something more in-keeping.
- (15) Councillor Smart noted that number 53 had planted Leylandi which would create more overshadowing of their garden.
- (16) A vote was taken and on a vote of 8 for, 3 against and 1 abstention, planning permission was granted.

259.3 **RESOLVED** – That the Committee has taken in to consideration and agrees with 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.

D. Application BH2009/02955, 45-46 North Street – Conversion of existing residential unit into 3 self-contained flats and 5 bedsit units together with extension to third floor. Minor alterations to existing shopfront to allow access to flats above (part retrospective).

(1) The Interim Area Planning Manager (West), Mr Ellwood, referred Members to the late list and details of the previous appeal decision.

(2) A vote was taken and members voted unanimously to refuse planning permission

259.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 1 of the report and resolves to refuse planning permission for the reasons and informatives set out in the report, and with the following amendment to reason 2:

“The scale and proportioning of the third floor extension to 46 North Street, together with the detailing and proportions of the fenestration treatment within the building, would result in the loss of the building’s descending order of scale at upper floor levels. This would adversely impact on the existing architectural hierarchy of the building which, as a result, would appear top heavy and out of scale. Furthermore, the levelling up of neighbouring building heights would have an unacceptable effect on the varied appearance of the street scene. The proposals would therefore be detrimental to the character and appearance of the host building and the wider street scene and fail to preserve or enhance the character or appearance of the Old Town Conservation Area. The proposal is thereby contrary to policies QD14 and HE 6 of the Brighton & Hove Local Plan and to advice contained within PPS5 ‘Planning for the Historic Environment’.

E. Application BH2010/00316, 36 Gloucester Road – Application for variation of condition 2 of application BH1999/00436/FP to allow opening hours 8am to 10pm Monday to Saturday.

(1) The Interim Area Planning Manager (East), Mr Walke, gave a presentation to the Committee highlighting the elements of the scheme. He noted that there had been

noise disturbance caused by the previous occupiers, but a recent lack of complaints to Environmental Health suggested that this issue had been resolved. There was currently a premises licence granted for the development that permitted the sale of alcohol until 21:30 hours Monday – Saturday. Mr Walke noted there was a wide mix of uses in the immediate area of North Laine.

- (2) Mr Braithwaite, a local resident, spoke against the application and stated that the applicant was making incremental changes to the previous permission to ensure an extension of hours. The premises closed regularly in the early evening and Mr Braithwaite did not believe there was a need to extend the opening hours. He felt the application would create more noise and pollution in the local area, and he felt that the opening times would be out of context of the rest of the area, which typically closed around 18:00 hours.
- (3) Councillor Theobald asked why the noise and pollution disturbance had not been reported to the Environmental Health Team and Mr Braithwaite replied that there was not any noise or pollution at the moment, but he felt the application would create these problems if approved.
- (4) Mr Handley, the applicant, spoke in favour of the application and stated that he ran a local business that bought locally produced food, created employment opportunities and benefited the local community. He stated that the premises was small and the outside area would remain operating as it was currently, which would reduce any noise impact. Alcohol was served only when customers were seated and only until 21:30 hours. He felt that the surrounding area was part of the city centre and was developing into a commercial and mixed use neighbourhood. There had been no objections from the Police or Environmental Health Team regarding this application.
- (5) Councillor Theobald asked for clarification on closing times and Mr Handley replied that the premises was closing early at the moment due to the season, but hoped to close at 22:00 hours later in the year.
- (6) Councillor Cobb asked what times the outside area would be closed and Mr Handley replied that it currently closed at 19:30 hours and he was happy for this to be part of the conditions.
- (7) Councillor Davey spoke as Ward Councillor against the application and stated that he hoped the café would be a success but did not believe this should be at the expense of the local residents. He agreed that the small business was an asset to the community but felt the relaunch of the premises as a bar/brasserie was inappropriate for the area and the creeping changes were worrying residents. The area was the largest traffic free area in the North Laine and Councillor Davey was concerned that it would become overdominated by evening drinking establishments. He believed the area needed to be protected, and if the Committee were minded to grant the application he asked that conditions be placed on the permission to include all tables and chairs to be brought in by 20:00 hours, and for condition four to be amended to include consideration of all noise emanating from the building.

Debate and Decision Making Process

- (8) Councillor Wells also expressed concern for the creeping level of change at this establishment and felt that there would be disturbance caused by people drinking and smoking outside the premises.
- (9) Councillor Cobb noted that most places in the vicinity closed at 23:00 hours and was happy for this premises to open later. She felt that the outside area needed to close by 19:30 hours and with a condition that all tables and chairs be removed and cleared by 20:00 hours.
- (10) Mrs Walsh stated that there were enforcement difficulties with regard to including all noise emanating from the building and noted that the owner of the premises stored outside tables and chairs inside the premises. If the outside area was therefore closed at 20:00 hours, this would in effect be the closing time of the business. She believed these conditions would be unreasonable.
- (11) The Chairman stated that these two conditions would not be included as part of the permission.
- (12) A vote was taken and on a vote of 7 for, 4 against and 1 abstention, planning permission was granted.

259.5 **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 BH2009/02158, 7 Station Road – Erection of two storey outhouse, incorporating double garage and parking bay to ground floor and home office to first floor (roofspace) over.

- (1) The Interim Area Planning Manager (West), Mr Ellwood, gave a presentation and highlighted the elements of the scheme. He noted that concerns over loss of outlook had been raised by residents but felt there was minimal impact in this regard. There was no loss of privacy from this application. A porous hard-surface had been suggested.

Questions/Matters on Which Clarification was Sought

- (2) Councillor McCaffery asked about the view from Station Road and Mr Ellwood confirmed that the development would not be prominent as it was set behind the existing boundaries.
- (3) Councillor Theobald asked if the willow trees at the front of the development were preserved via TPO and Mr Ellwood stated they were not.

Debate and Decision Making Process

(4) A vote was taken and on a vote of 9 for, 0 against and 2 abstentions planning permission was granted.

259.6 **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.

260. 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

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

| Application: | Site Visit Requested By: |
|---|---------------------------------|
| BH2010/00235, Varley Hall Residences, Coldean | Development Control Manager |
| BH2009/03156, Wellsbourne Centre, Whitehawk | Development Control Manager |

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

261.1 **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 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 6.20pm

Signed

Chair

Dated this

day of