

### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 21 JULY 2010

COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

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

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

**Officers in attendance:** Jeanette Walsh (Development Control Manager), Nicola Hurley (Area Planning Manager (West)), Claire Burnett (Area Planning Manager (East)), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

#### PART ONE

##### 50. PROCEDURAL BUSINESS

##### 50a Declarations of Substitutes

50.1 Councillor Fallon-Khan declared that he was substituting for Councillor Simson.

##### 50b Declarations of Interests

50.2 There were none.

##### 50c Exclusion of the Press and Public

50.3 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.

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

**51. MINUTES OF THE PREVIOUS MEETING**

51.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 30 June 2010 as a correct record of the meeting.

**52. CHAIRMAN'S COMMUNICATIONS**

52.1 The Chairman addressed the Committee and stated that the pilot scheme for pre-application presentations was being discussed and she asked the Committee Members for suggestions of more appropriate timings. It was felt that the current timings were the most appropriate as different Members had differing commitments. It was also noted that site visits should be taken into consideration when planning the next schedule of meetings for the Council. The Head of Development Control stated that she would bring this up with Democratic Services.

**53. PETITIONS**

53.1 The Chairman stated that an additional 237 signatures had been added to the petition received in respect of application BH2010/01132, 41 Ladies Mile Road, Brighton.

**54. PUBLIC QUESTIONS**

54.1 There were none.

**55. DEPUTATIONS**

55.1 There were none.

**56. WRITTEN QUESTIONS FROM COUNCILLORS**

56.1 There were none.

**57. LETTERS FROM COUNCILLORS**

57.1 There were none.

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

58.1 There were none.

**59. APPEAL DECISIONS**

59.1 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.

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

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

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

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

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

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

<b>Application:</b>	<b>Site visit requested by:</b>
Varley Halls, University of Brighton	Head of Development Control

**63. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**

**(i) TREES**

63.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of the report and resolves to refuse consent to fell the tree which is the subject of this application.

BH2010/01426, 1 Varndean Holt, Withdean.

63.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 7 of the report and resolves to grant consent to fell the tree which is the subject of this application, subject to the conditions listed in the report.

BH2010/01715, Sillwood Place, Brighton.

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

**A. Application BH2010/01054, Brighton General Hospital, Elm Grove, Brighton -** Demolition of the former nurses accommodation buildings and the construction of two residential apartment blocks (Blocks A and B) of 5 storeys and one apartment block (Block C) of 6 storeys comprising 95 units and a 106 square metre community facility with associated parking and landscaping.

(1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans and elevational drawings. She highlighted that the applicant had

suggested alternative wording for conditions 3 and 4 to remove the word “premises” and replace with “community use” for condition 3 and to add the word “community” to use, and replace the word “customers” with “users” for condition 4. These changes were felt to be acceptable. Further it was requested that the public art contribution be reduced to £25,000, but as there was no viability evidence for this, the recommendation in the report was considered appropriate. There had been two further letters of objection received.

Ms Burnett explained that the site was not considered within the curtilage of the nearby listed building, and the nursing home was now considered surplus to requirements. A previous application had been refused in 2009. The new application would provide 80% affordable housing with a mixture of tenure between social rented accommodation and shared ownership. The design and impact of the scheme was acceptable and did not harm neighbouring amenity, with the nearest window to window distances 17 metres away. There was no adverse overlooking, but six of the balconies proposed required privacy screening. There was an equipped area of play, plus a Section 106 contribution to adult sports facilities, with £26,000 on adult/youth outdoor play provision. The scheme would reach sustainable homes standard code four, and an “excellent” BREAM rating.

- (2) Mr Laker from South Downs NHS Trust spoke in objection to the scheme and stated that his organisation had a duty of care to the public and their patients. He did not believe the scheme would create a consistent and safe care setting for patients. Whilst he supported increased access to affordable housing he felt there were serious health and safety, security and parking implications associated with this application. The service road which had been outlined as a pedestrian and cycle route was not large enough for a paved walkway to be added, which created safety problems, and as use of the adjacent NHS site next door increased, this would create security issues. Mr Laker was also concerned that the new application would overlook the existing NHS site and compromise patient confidentiality. There were vulnerable patients using the NHS site and their privacy needed to be protected. Finally, Mr Laker believed that parking controls would need to be implemented, where currently there was none. These issues presented significant problems to the NHS Trust and Mr Laker asked the Committee to refuse the application.
- (3) Councillor Davey asked whether parking was currently managed at all on the NHS site and Mr Laker replied that it was not.
- (4) Councillor Fallon-Khan asked how patients would be affected by the new application and Mr Laker felt that as there were special services such as child protection and a rehabilitation centre on site, these patients would be particularly vulnerable. Councillor Fallon-Khan was unsure if it was accurate to say that these patients would be stigmatised by the new application.
- (5) Councillor Smart asked if members of the public currently used the access road as a right of way and Mr Laker replied that as far as he was aware they did not and the Trust tried to keep the area clear. There was no paved walk area and the road was busy and tight.

- (6) Councillor Steedman asked if the service road was outside of the application boundary and the Head of Development Control, Ms Walsh, stated that it was.
- (7) Councillor Alford asked why the Trust did not secure the access road to ensure there was no unauthorised usage and Mr Laker replied that there was a right of way along the road. The Principal Transport Officer stated that he was not aware of a right of way on this road, but believed there was likely to be right of access to the application site. Mr Laker stated that the previous right of access of the NHS Trust that had sold the land had carried over to the new owners.
- (8) Councillor Fallon-Khan asked why the NHS Trust was unhappy with the application when they had sold the land in the first place. Mr Laker replied that a separate NHS Trust had sold the land to raise capital.
- (9) Councillor Randall, Ward Councillor for Hanover & Elm Grove, spoke in favour of the application and stated that this was a significant improvement on the previously proposed application. The new road layout on site was much more acceptable and the proposed finishes of the buildings were of a much higher quality. The increase in parking provision was welcomed and the space allowed in the flats was very generous. Overall the application was of a good standard with high environmental credentials. Wheelchair accessibility was much better now, and as a controlled parking zone had recently been rejected for the area, there would be ample provision of space on street. Residents in the area were largely in favour of the application and the flats would provide the community with alternative accommodation for those in council accommodation who wished to downsize but remain in the area. He commended the application and asked the Committee to grant planning permission.
- (10) Councillor Davey asked if there were any suggestions from the community on the use of the community space and Councillor Randall replied that there was a community centre in the area, but this was very small. This new provision would hopefully be used for the whole community and he was aware that the Residents Association were already interested in using it.
- (11) Mr Hawkins and Ms Hills spoke on behalf of the applicants, Southern Housing, and Ms Hills stated that the service road was an important pedestrian access from Elm Grove and the road was already marked in yellow for pedestrian users. They had worked closely with officers to redesign the square and play areas, change materials to a more suitable palette, increase the parking and improve the layout of the site. There would be a mixed tenure on site, but the mix was uncertain given the current economic climate, however the sizes of all the units were at least 5 metres squared larger than the Council's recommended standards.

Mr Hawkins added that two Elm trees would be retained on site and all of the objectors to the scheme lived at least 30 metres away, which was well within the minimum acceptable distances. The applicants had taken care to ensure there was no overshadowing and high quality materials would be used on site to ensure durability. The NHS Trust had been fully aware of the proposals from the start of the process.

- (12) Councillor Kennedy asked if the applicants had incorporated the new recommendations from the guidance leaflet Secured By Design 2010, and Mr Hawkins replied that the scheme was fully designed in accordance with all currently planning requirements.
- (13) Councillor Carden was concerned that the affordable housing element would not reach 80% and Ms Hills replied that this was part of the Section 106 agreement and would be achieved on site.

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

- (14) Councillor Smart asked about the community facility and Ms Burnett replied that the size would not give rise to any adverse affect on residential amenity.
- (15) The Chairman and Councillor McCaffery asked questions on the detailing of the application.
- (16) Councillor Alford asked for the reasoning behind the mix of accommodation. The Housing Officer, Ms Potter, replied that the Council always sought a mix of beds on each application and targeted smaller properties for council accommodation to give options to those who wanted to downsize.
- (17) Councillor Smart asked if the two bed accommodation could be used for families of four and Ms Potter replied that the accommodation provided a mix of two bed units suitable for three people, and two bed units suitable for four people.
- (18) Councillor Cobb asked about the Section 106 contribution for adult/youth play and Ms Burnett replied that in respect of policy HO6, the first two elements of the provision were provided on site in the equipped play areas. The last element would require money of £26,000 for off-site provision. Councillor Cobb asked for information to be sent around as to where this money would be spent.
- (19) Councillor Mrs Theobald asked why the road was offered for adoption and Mr Tolson explained that this would mean that the roadway would be maintainable by Brighton & Hove City Council if adopted.

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

- (20) Councillor Steedman felt the application had come a very long way since being refused and there had been a massive improvement on site. He fully supported the current application.
- (21) Councillor Kennedy concurred and thanked the applicants, Southern Housing for the improvements offered in the scheme. She felt that 80% affordable housing provision was excellent and noted the ecological mitigation to enhance the biodiversity of the area. She was also supportive of the public art element of the scheme.
- (22) Councillor Mrs Theobald felt the site now had a very good layout and she welcomed the increase in parking. She felt the cycle space provision was excessive but was pleased the Tree Preservation Order trees were being retained, and was pleased with the community facility.

- (23) Councillor Fallon-Khan was very pleased with the affordable housing element and supported the extra parking provision. He felt that if the NHS Trust did not wish to see certain uses on the land it would have been appropriate to stipulate this before they sold it. He felt the scheme was fantastic.
- (24) Councillor Alford added his support and was very pleased with the high quality materials used and the durability of the cladding proposed.
- (25) A vote was taken and on a vote of 12 for, 0 against and 0 abstentions minded to grant planning permission was granted subject to a s106 Planning Agreement, the conditions and informatives in the report, and the amendments to conditions 3 and 4.

63.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report, and resolves it is Minded to Grant planning permission subject to the applicant entering into a s106 Planning Agreement and the conditions and informatives set out in the report, with the amendments to conditions 3 and 4.

**B. Application BH2009/03014, 331 Kingsway, Hove** - Mixed commercial and residential development comprising of a four storey plus basement block of 40 apartments (16 affordable) and 870 square metres comprising of a D1 medical centre on ground and first floors and B1 office on second floor with associated parking and amenity space.

- (1) The Planning Officer, Ms Simpson, introduced the application and presented plans and elevational drawings. She noted that there were additional representations included on the late list. The site was currently vacant and horded. There had been a previous refusal in 2008 on the grounds of design, scale, bulk, impact on amenity, lack of affordable housing and lack of recreation space. The new scheme would provide 40% affordable housing with a mix of commercial and office space on site. There was underground parking for the main building of 43 spaces, with 4 disabled spaces provided. There was no undue pressure on local roads and the area was not in a parking controlled area. The building was comparable to existing building lines on the road and had been reduced in height to reduce impact. The separation distances were around 10-12 metres and the scheme would reach sustainable homes level 4 and an "excellent" BREAM rating. The general design was acceptable, and whilst there were objections from neighbours and the scheme would impact them, the loss of light was acceptable. A s106 agreement would provide money for local bus stop improvements, and details of the external lightning were conditioned.
- (2) Councillor Kemble, Ward Councillor for Wish Ward, spoke in favour of the scheme and stated that the site had been empty for a number of years now. Consultation had been conducted on the application and had given rise to a vast improvement. Local residents supported the scheme and it was a good mix of use with valuable underground parking proposed. The commercial use could be used as a state of the art doctors surgery for the area, as the current Wish Road Surgery was in a building no longer fit for purpose. He believed the application was well thought out with consideration given to the needs of the area.

- (3) Councillor Davey asked if there was any parking available at the current Wish Road Surgery and Councillor Kemble stated there was not and it was in a controlled parking zone.

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

- (4) Councillor Kennedy asked questions on the design of the building and asked if the public art element was associated with the lighting. Ms Simpson replied that there was a suggestion that the s106 monies would be for the lighting, but this would be negotiated with the Art Officers.
- (5) Councillor Kennedy noted the lack of any biodiversity credentials currently on site and asked if a condition could be added to ensure planting on site would increase the biodiversity to the satisfaction of the Council's Ecological Officer. Ms Simpson stated that this was usually agreed with the Planning Officers in conjunction with the Arboricultural Team. Ms Walsh agreed that a standard ecological condition could be added.
- (6) Councillor Davey asked why the cycle parking space was so low and Mr Tolson replied that this was an error in the report and that the spaces could accommodate two bicycles, so the total number needed to be doubled.
- (7) Councillor Mrs Theobald asked what the staffing levels of the proposed medical centre would be. Mr Tolson replied there would be 6 consulting rooms, with 4 GPs and 6 employees.

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

- (8) Councillor Carden felt the style was very good and he liked the design. He felt the application sat well on the site and was appropriate.
- (9) The Chairman noted that the site had been derelict for several years and this scheme was a great improvement on previous applications. She felt that the parking provision was adequate and this would be a good site for a doctor's surgery.
- (10) Councillor Smart also supported the scheme and was pleased to note the flat roofs were for maintenance access only. He liked the 40% affordable housing provision and the car parking provision was also good.
- (11) Councillor Mrs Theobald also liked the design and the car parking provision.
- (12) A vote was taken and on a vote of 12 for, 0 against and 0 abstentions, the committee resolved to grant minded to grant planning permission subject to no new representations, the entering into of a S106 Agreement and the conditions and informatives in the report, with the additional condition regarding ecology.
- 63.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 9 of the report and resolves to grant minded to grant planning permission subject to no new additional representations from members of the public, and to the applicant entering into a section 106 Planning



Agreement and to the conditions and informatives listed in the report and as amended in the Late List, with the following additional condition:

Prior to the commencement of development a scheme for the provision of ecological mitigation and enhancement of the site, together with a Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The scheme shall be implemented in accordance with policies QD15 and QD17, of the Brighton and Hove Local Plan 2005.

**C. Application BH2010/01132, 41 Ladies Mile Road, Brighton** - Change of use from betting shop (A2) to hot food take-away (A5) with the erection of a rear extension, new shop front and extract duct.

- (1) The Senior Solicitor, Ms Woodward, addressed the Committee and stated that this application had been discussed at the last Committee meeting where it had been the subject of a refusal. The Ward Councillor, Councillor Pidgeon, had spoken against the application and presented a petition to the Chairman, which the applicant did not have a chance to see and respond to. Members were being asked to reconsider the application in light of this additional information. She asked if Members would like another presentation of the application from Officers.
- (2) The Committee declined a further presentation on this application, and Councillors Carden and Fallon-Khan, who were not present at the last meeting, asserted that they were familiar with the particulars of this application.
- (3) Mr Unwin, Agent to the applicant, spoke in reference to the petition and stated that he disputed the claims that there would be a potential for increased traffic. A very detailed highways report had been conducted to show this would take the pressure off the St Georges Road site and the Police were very happy with the application. There would be no increase of anti-social behaviour and the company had a clean track record in terms of this. The premises would be closed by 23:00 hours and would not attract people when leaving the pub. A noise assessment of the application showed no issues arising from this. There were no sustainable grounds for refusal given in the petition. As far as healthy eating concerns were raised, the product the applicant sold contained no saturated fats or added salt and no colourings. He urged the Committee to follow the advice of Officers and grant the application.
- (4) Councillor Mrs Theobald asked about the traffic problems at St Georges Road and Mr Unwin stated that there were concerns about the number of cars parking at this site and it was desirable for the company to not concentrate cars in one area. In consultation with the Police the company looked for sites outside of the city centre and this was the most appropriate site. It was sustainable in terms of transport and would create local jobs.
- (5) Councillor Fallon-Khan asked about the healthy eating credentials of the product and Mr Unwin replied that the product was dry baked and all of the ingredients were made from fresh supplies. There were very little preservatives used and no frozen produce.

**Debate and Decision Making Process**

- (6) Councillor Mrs Theobald felt that it was unfair that Councillor Pidgeon was not able to be present today to give his view on the application. She did not believe that this additional information had changed her original opinion however and would not be supporting the application.
- (7) Councillor McCaffery believed there was no reason why the application could not be granted and would be supporting the application.
- (8) Councillor Hamilton believed that the three previous reasons for refusal were inadequate and that most areas had takeaway stores near them. He felt the arguments against the application were unconvincing and would be supporting the application.
- (9) Councillor Davey felt the premises in the city centre was unsuitable for the demand and this application would ease that situation. He also felt the application would assist with sustainable transport around the city and would be supporting the application.
- (10) A vote was taken and on a vote of 4 for, 5 against and 3 abstentions full planning permission was refused.
- (11) Councillor Mrs Theobald proposed an alternative recommendation for refusal on the three previous reasons given and Councillor Alford seconded the recommendation.
- (12) A second recorded vote was taken and on a vote of 5 for, 4 against and 3 abstentions, planning permission was refused for the reasons given.

63.5 **RESOLVED** - That the Committee has taken into consideration and does not agree with the reasons for the recommendation and resolves to refuse planning permission for the following reasons:

1. The proposal would result in increased pressure on parking, increased traffic flow and resulting vehicle noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
2. The proposal would result in the generation of anti-social behaviour by reason of the congregation of youths and resulting noise, contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
3. The proposed change of use by reason of its close proximity to Patcham High School, Patcham Community Centre and Patcham Youth Centre would have an adverse impact on the health of young people using the same, contrary to the Council's Health School's Strategy and the social objective of encouraging healthy eating as evidenced by the Council's Community Strategy.

**Note:** Councillors Hyde, Alford, Cobb, Steedman and Mrs Theobald voted to refuse planning permission. Councillors Carden, Davey, Hamilton and McCaffery voted against refusing planning permission. Councillors Kennedy, Fallon-Khan and Smart abstained from voting.

**D. Application BH2010/00813, 53A New Church Road, Hove - Demolition of existing bungalow and erection of a new two storey dwelling house.**

- (1) The Area Planning Manager (West), Ms Hurley introduced the application and presented plans and elevational drawings. There had been two previous refusals on the site and a rejected appeal on the grounds of impact on residents and conflict between pedestrians and vehicle users. The new scheme proposed a like for like replacement of the current dwelling and therefore there was no objection in principle to the application. There was no detrimental impact to neighbouring properties and the design was acceptable. Parking was provided to the side of the scheme and as this was a like for like replacement there would be no additional impact on the driveway space.
- (2) Mr Hagard, on behalf of a local resident, spoke against the scheme on highway and pedestrian safety grounds. He stated that the driveway was currently used by only three dwellings as so any additional residents would impact on the driveway usage. The proposed new dwelling would increase the number of people living on the road and car usage could not be controlled by limiting the number of parking spaces available. The driveway would be used as overspill parking and there was no path for pedestrian access making it highly unsafe, especially at night. Manoeuvring cars on the driveway was difficult and there was already constant blocking of other vehicles occurring.
- (3) Councillor Steedman asked why Mr Hagard felt there would be more traffic created by a like for like replacement dwelling. Mr Hagard replied that the building would be significantly larger once built with more accommodation. There would also be access problems whilst the new dwelling was being built.
- (4) Mr Lewis, Agent for the applicant, spoke in favour of the application and stated that this would be a replacement of the existing dwelling with a contemporary design. There would be significant sustainability credentials with a green roof and solar panels included. There would be no impact on residential amenity and the traffic generation would be the same as this was a like for like replacement of the existing dwelling. There were no identified highway safety problems and the scheme would add to the architectural mix of the area.
- (5) Councillor Mrs Theobald asked if a recently constructed overhang on one of the buildings would impede construction and Mr Lewis stated that the applicant would only use the appropriate sized vehicles to access the site.
- (6) Councillor Smart asked if there were any restrictions on access of the site and Mr Lewis replied that the access was in the ownership of the application. All other dwellings on the site had rights of access.
- (7) Councillor Mrs Theobald asked if the applicant would agree to increase the boundary treatments on the north and west sides of the site and Mr Lewis confirmed he was happy with this condition.

### Questions/Matters on Which Clarification was Sought

- (8) Councillor Mrs Theobald asked if it was possible to include a condition to protect and enhance the trees and greenery on the north and west boundaries and this was agreed.
- (9) Councillor Smart asked if there would be any future sub-division of the dwelling and Ms Hurley stated that permitted development rights were removed and any sub-division would need to come back to committee in a further application.

### Debate and Decision Making Process

- (10) Councillor Kennedy stated that she was concerned around the hours of construction on site and residential amenity during this time. Ms Walsh replied that conditions were not usually attached to applications to regulate this as other statutory regulations were in place, such as Environmental Health laws. She also added that this was the construction of only one dwelling.
- (11) A vote was taken and on a vote of 12 for, 0 against and 0 abstentions full planning permission was granted subject to the conditions and informatives listed in the report.

63.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation as set out in paragraph 8 of the report, and resolves to grant planning permission subject to the conditions and informatives in the report and a further condition as follows:

- 1) The existing vegetation shown on the approved plans shall be retained at all times along the north and west boundaries.

Reason: To ensure that an adequate screen is provided between the application site and neighbouring properties to protect neighbouring amenity and to comply with policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan

**Note:** Councillor Fallon-Khan gave his apologies and left after this application.

**E. Application BH2010/00736, 8 Cliff Approach & 1 Cliff Road, Brighton** - Erection of 6no 3 storey 4 bed dwelling houses with associated parking areas.

- (1) Ms Burnett introduced the application and presented plans and elevations drawings. There had been 17 letters of objection to the scheme. The proposed terrace of houses was two storeys in height and a broadly traditional design. Parking spaces were provided and the site was currently vacant with existing planning permission granted in 2008 for 9 flats. The proposals did not affect the amenity of neighbours and would improve the light and outlook for number 3. The application was conditioned to reach sustainable homes code level 3.

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

- (2) The Chairman asked which parts of the roof would be standing seem and Ms Burnett replied that the whole of the roof to the rear would be zinc and would be tiled at the front.
- (3) Councillor Alford was concerned about parking provision and asked where the nearest on street provision would be. Mr Tolson replied that there was space in the nearby locality for a small amount of displaced parking and the roads surrounding the site could accommodate this. As such it was not considered a sustainable reason for refusal.
- (4) Councillor McCaffery felt that it would be useful to see the site in relation to other properties and Councillors Cobb and Carden agreed.
- (5) A site visit was proposed and the Committee voted on and agreed to perform a site visit before deciding on the application. Therefore this application was deferred to the next meeting.

**F. Application BH2010/01268, 27 York Avenue, Hove** - Demolition of existing garage and erection of two storey side extension at lower ground and ground floor levels. Two storey rear extension. Alterations to roof including rear dormer and associated works and alterations.

- (1) There was no presentation given by Officers on this application.
- (2) A vote was taken and on a vote of 11 for, 0 against and 0 abstentions, full planning permission was granted subject to the conditions and informatives listed in the report.

63.6 **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 listed in the report.

**Note:** Councillor Fallon-Khan was not present during the discussion and voting on this application.

**G. Application BH2010/01182, Land to the rear of 43-45 Norway Street, Portslade** - Construction of 2 no two bedroom semi detached houses.

- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevational drawings. She stated that the area was residential in character with commercial properties to the west. There had been an approval in 2007 for conversion of the front two properties into residential properties with an office block, and a refusal in 2010 for four flats. Neighbouring residents and the local Ward Councillor objected to the scheme on the grounds of overdevelopment, loss of privacy, loss of light and overshadowing and loss of amenity. The new scheme proposals were lower than the refused scheme and this improvement was considered acceptable. There was obscured glazing to the first floors with roof lights for the bathrooms. The levels of sustainability on site were acceptable and the site was classed as "brownfield" and therefore the principle of development was acceptable.

- (2) Mr Bartha, a local resident, spoke against the application and stated that the application represented an overdevelopment of the site, loss of privacy, an increase in scale, height and proximity when compared with the original structure and a loss of light for residents. The site was previously a modest Victorian garden, and now the proposals for 2 houses on site was overdevelopment. There would be light pollution from the building and no parking was provided. Recent planning guidance protected local gardens and Mr Bartha urged the Committee to use their powers to protect this area. The application offered little for Portslade and was detrimental to existing residents.
- (3) Councillor Hamilton noted that offices were already approved on this site and asked Mr Bartha if the residents had any preferences. Mr Bartha felt that both applications were inadequate for the site although this was better than a block of offices.
- (4) Mr Theobald, Agent to the applicant, spoke in favour of the application and stated that following the previous refusal he had spoken to local residents and the Ward Councillor to address their key concerns. The Ward Councillor had indicated that these proposals were a significant improvement on the previous scheme, reflected in the significant reduction in depth, width and height of the application. There was also a improvement over the impact of the previous warehouse that had been on site. There was obscured glazing to all areas where overlooking could occur or could be perceived to occur and the scheme would reach lifetime homes standards and sustainable homes level 3. All existing residential amenity would be protected and the application would create a positive improvement to the existing street scene.

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

- (5) Councillor Kennedy asked why the letter from the Ward Councillor was no included in the papers and Ms Walsh replied that this was because the letter had been received on the morning of the Committee. Whilst late representations were added normally to the Late List, this representation had come in too late to be included.

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

- (6) Councillor Hamilton noted that all of the houses in the area followed a similar pattern, but properties of nos. 43 to 45 had much shorter gardens. This application was comparable to a recent refusal on the other side of the road and should also be refused. He added that the site had originally been for employment use, but the offices had not been built and so it was being released for residential use which was not affordable housing. He was unhappy overall with this application.
  - (7) A vote was taken and on a vote of 4 for, 2 against and 5 abstentions full planning permission was granted subject to the conditions and informatives listed in the report.
- 63.7 **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 listed in the report.

**H. Application BH2010/00814, 63 Holland Road, Hove** - Erection of 1no 5 storey building incorporating retail/office and restaurant facilities at ground floor and basement levels and 7no self contained flats above.

- (1) Ms Hurley introduced the application and presented plans and elevational drawings. The site was in the Brunswick Town Conservation Area and had been the subject of a number of different schemes. A recent approval had been granted in 2009 and this application was for a revised scheme of fairly minor changes, but significant enough to form the subject of another planning application. There had been 13 letters of objection submitted. The development was in scale and in keeping with other properties in the conservation area and there was no demonstrable impact on the building or the area. There were no changes to the sustainability or energy elements of the scheme, and this was a car free scheme.
- (2) Mrs Shields, a local resident, spoke in objection to the scheme and stated the building would reduce her light, views and quality of life. There was already illegal parking in the area, and this application would exacerbate the situation. She felt the application would increase overlooking and decrease privacy for current residents and she was concerned about security issues at the back of the building. She asked if smokers from the proposed restaurant would use the rear of the building and asked for obscured glazing on all the rear elevations to prevent overlooking, and for extractors to be angled away from residential properties. There would be an increase in noise and pollution created by the application, and the new application would increase dampness suffered by existing properties. She asked for a site visit to be conducted to assess the impact on amenity for current residents.
- (3) Councillor Mrs Theobald asked for a site visit to be conducted but the Committee Members voted to decline this request.
- (4) Councillor Alford asked about issues of dampness and Mrs Shields stated that the properties were old and near the sea and as the new application would decrease the light available to these properties this may increase dampness issues.
- (5) Mr Fox, Agent to the applicant, spoke in favour of the application and stated that the majority of the scheme was already approved and these were minor changes to address three problems on the site. There was major floor risk and no disabled access associated with the current position of the front door to the restaurant on the plans, the passenger lift run needed to be extended on the roof to allow it to reach the top floor and the proposed passageway along the side of the building needed to be removed as there was no access granted by the rightful owner. Mr Fox stated that the views from Lansdowne Street would not be affected and two of the proposed changes would ensure the approved scheme complied with lifetime homes standards. These were minimal changes and there was no significant impact caused by the scheme.
- (6) Councillor Smart asked how the doorway could present a flood risk and Mr Fox replied that because it was on a sloping road and set below ground level, run off from heavy rain could flood the building.

- (7) Councillor Cobb asked if there was any access between the two buildings for residents and Mr Fox stated that the passageway was closed and not in the possession of the applicant. The driveway was open access for all residents.
- (8) Councillor Mrs Theobald asked how refuse deliveries would be organised and Mr Fox replied that deliveries would be via private contractors and residential refuse would be in communal bins to the front of the building.

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

- (9) The Chairman of the Conservation Advisory Group raised concerns over inaccuracies on the plans and elevational drawings that indicated window recesses on the elevations, which were in fact represented as sectional panels on the plans. This had been raised previously with the Planning Department and he asked which was correct. Ms Walsh stated that the issue had been addressed by the case officer and they were satisfied that the plans and elevational drawings were correct. She suggested that Mr Andrews raise this point again with the case officer after the meeting.
- (10) The Chairman asked if smokers would be allowed to the rear of the premises to smoke and Ms Hurley replied that they would not.
- (11) There being no debate on this application, a vote was taken and on a vote of 8 for, 0 against and 3 abstentions planning permission was granted subject to the conditions and informatives in the report.

63.8 **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 that it is minded to grant planning permission subject to the applicant amending an existing Section 106 Obligation attached to application BH2009/01856 and the conditions and informatives listed in the report.

**I. Application BH2010/01342, 119 Church Road, Hove** - Replacement basement window, railings and wall to external basement stairs, and internal alterations to facilitate new seating areas and TV brackets (part retrospective).

- (1) Ms Hurley introduced the application and stated that this presentation would be combined with application BH2010/01343, 119 Church Road, Hove, Listed Building Consent. She presented plans and elevational drawings and stated that this was a grade II listed building currently with A3 restaurant use. The application was part retrospective and included internal alterations and alterations to the covered outside seating area. The principle of development was acceptable and the application would correct some previous work that did not have planning permission. Objections letters had been received and the Environmental Health Team recommended opening hours of 10:00 to 02:00 Monday - Saturday, and 10:00 to 01:00 on Sundays and Bank Holidays. This would coincident with the hours on the granted premises licence. The outside space could be controlled by condition and the changes did not harm the building.
- (2) Councillor Older, the local Ward Councillor, spoke against the scheme and stated that in 2001 the building had been turned into a restaurant. The alterations had been acceptable at the time, but the new application would turn this site into a vertical drinking



establishment. The garden to the rear caused the most significant concern and the covered structure was unable to deal with any noise pollution created by users. The proposed conditions did not address the issues and the new application would allow drinkers to be standing 3 metres away from a residential garden. There was no limit to the usage of the garden and it was in a completely unsuitable area. The application was contrary to policies SU9, SU10 and QD27 and she asked the Committee to refuse the application.

- (3) Councillor Davey asked if any complaints had been made about the new premises and Councillor Older stated that she had advised local residents to make formal complaints to the Environmental Health Team should the situation continue.
- (4) Mr Zahedian, the applicant, spoke in favour of the application and stated that the premises had been open for two months. There was a food menu available and the garden gate remained locked at all times. There were CCTV cameras installed to monitor the garden area at it was shut after 22:00 hours. The premises licence was from 10:00 hours to 02:00 hours and he was working in conjunction with the Police to ensure the premises remained crime free.
- (5) Councillor Smart asked if there was any intention of opening later hours and Mr Zahedian stated there was not.

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

- (6) Councillor Smart asked about the access and egress from the garden and Ms Hurley replied that this was an emergency fire exit only and condition 3 ensured that it would remain closed.
- (7) Councillor Smart asked if the roof structure was temporary and Ms Hurley replied that because its appearance was temporary it could be considered so, and therefore no harmful to the appearance of the building.
- (8) Councillor Steedman asked if there had been any complaints made about the new establishment and Ms Hurley replied that she was unsure if any complaints had been made, or how long the new venture had been running.

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

- (9) Councillor Mrs Theobald felt that it was inappropriate to create a pub garden in the outside area and felt that this was being created retrospectively because the works had already been done.
- (10) Councillor Smart felt he would be appalled if this application was at the end of his garden and he could not support the application.
- (11) Councillor Cobb referred to the conditions in the planning application which would limit opening hours to 23:30 Monday to Saturday and 23:00 hours on Sundays and asked if the applicant was aware of this restriction, as he was currently opening much later. Ms Walsh confirmed that it was in the powers of the Committee to consider any amenity issues for neighbours and amend opening hours as they saw fit.

(12) A vote was taken and on a vote of 5 for, 2 against and 3 abstentions, full planning permission was granted subject to the conditions and informatives in the report.

63.9 **RESOLVED** - That the Committee had 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 listed in the report and the amended condition in the late list.

**J. Application BH2010/01343, 119 Church Road, Hove** - Replacement basement window, railings and wall to external basement stairs, and internal alterations to facilitate new seating areas and TV brackets (part retrospective).

(1) A vote was taken and on a vote of 11 for and 0 against listed building consent was granted subject to the conditions and informatives listed in the report.

63.10 **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 listed building consent subject to the conditions and informatives listed in the report.

**64. 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**

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

<b>Application:</b>	<b>Site visit requested by:</b>
Varley Halls, University of Brighton	Head of Development Control
BH2010/00736, 8 Cliff Approach & 1 Cliff Road, Brighton	Committee Decision

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

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

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

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated by Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they

should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of

